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COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, SS SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

COMMONWEALTH OF MASSACHUSETTS

vs. Docket No:
2011-0140

DAVID T. CHALUE,

JURY TRIAL - IMPANELMENT CONTINUED
BEFORE THE HONORABLE C. JEFFREY KINDER

APPEARANCES:

For the **Commonwealth:**

Berkshire County District Attorney's Office
7 North Street, P.O. Box 1969, Pittsfield, MA 01202
By: DAVID F. CAPELESS, ASSISTANT DISTRICT ATTORNEY
PAUL CACCAVIELLO, FIRST ASSISTANT DISTRICT ATTORNEY
GREGORY BARRY, ASSISTANT DISTRICT ATTORNEY
JOSEPH PIEROPAN, ASSISTANT DISTRICT ATTORNEY

For the Defendant **DAVID T. CHALUE (2011-0140):**

By: DONALD W. FRANK, ESQUIRE, FRANK LAW OFFICES, 95 State
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and MEREDITH RYAN, ESQUIRE

Hampden Superior Court
50 State Street
Springfield, Massachusetts
April 23, 2014

ALICIA CAYODE KYLES
Official Court Stenographer
Registered Merit Reporter

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I N D E X

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EXHIBITS

PAGE

(No exhibits were marked.)

1 (The Court entered at 9:13 a.m.)

2 (The defendant is not present)

3 THE COURT: Counsel, good morning.

4 Mr. Capeless, I understand you had matters you wanted
5 to address?

6 MR. CAPELESS: Yes, two things, Your Honor.

7 I have yet to receive any final report from two of the
8 defendant's named expert witnesses, the pathology expert or
9 the cell phone expert. And I'd like the Court to set the
10 date of Friday that they -- that I receive it.

11 THE COURT: All right.

12 Mr. Frank?

13 MR. FRANK: Yes. I have sent him a cell phone expert
14 report, and I'm not sure what exactly the problem is with
15 that. And I have sent it to him. Its's not that
16 complicated. I sent him pictures and I --

17 THE COURT: When you say you "sent it to him," you mean
18 to your expert?

19 MR. FRANK: No, to Mr. Capeless.

20 THE COURT: To Mr. Capeless.

21 MR. FRANK: Yes. And I am not exactly clear what the
22 problem is here.

23 THE COURT: When did you send it?

24 MR. FRANK: Didn't know this was going to be an issue.
25 I can't tell you the exact date.

1 (The Defendant entered.)

2 MR. FRANK: I asked for it sometime ago, weeks ago, and
3 I sent it to him weeks ago. I can't tell you the exact
4 date. I'd have to be at my computer to get that. But I
5 sent it to him via e-mail. And recently, last week, I had
6 some additional pictures that my cell phone expert intends
7 to use. I sent it to him. That report is my cell phone
8 expert's final report.

9 So perhaps he can address that, and then I can address
10 it. Again, I'm sorry. I didn't know this was going to be
11 an issue.

12 And as I stated in my supplement -- or my statements to
13 the Court on Friday, having received the forensic and
14 anthropological pictures and color pictures related to the
15 autopsy on the 11th of this month, I sent them to my expert.
16 I think she -- I can't tell you exactly when they got there.
17 But off the top of my head, I can't tell you. I can tell
18 you we sent them either Friday or Monday, and she was out of
19 town during the course of the week for at least part of the
20 week.

21 And as I said, I anticipate speaking to her today, and
22 she, hopefully, will start attending to and looking at those
23 pictures today and developing the report, hopefully, this
24 week. I can't say that will happen. She is going to be
25 examining it this week. I will say she has already looked

1 at the case, so she's ahead of the game. I anticipate that
2 she will be ready, but I can't say that I can give you a
3 report today.

4 The Commonwealth has had those pictures forever, and I
5 only learned of them on the -- when I went to the Boston
6 Medical Examiner's laboratory at the end of -- between
7 New Year's and Christmas of last year.

8 I asked for them.

9 THE COURT: We don't need to re-trace the history.

10 Mr. Capeless, anything you wish to add?

11 MR. CAPELESS: Yes. I will just point out that the
12 cell phone report that I got some weeks ago states at the
13 end of it that it is not a complete report, and he intends
14 to supplement it. If he is saying at this point it is
15 final, then okay. And there will be nothing further.

16 THE COURT: Bear with me for just a moment, please.

17 (Pause)

18 THE COURT: I'm going to enter an order, Mr. Frank.

19 Any expert -- report of an expert that you intend to call be
20 provided to the Commonwealth by next Wednesday the 7th. And
21 if there is any problem in complying with that, I expect you
22 will bring it to my attention sooner rather than later.

23 MR. FRANK: Certainly.

24 If I could, Your Honor, along those lines as it applies
25 to all experts, I have yesterday received a report from the

1 DOC regarding Mr. Cashman. I believe I'm still waiting for
2 the reports from DOC -- I'm -- excuse me -- mental health on
3 Mr. Cashman. And there is some significant issues that have
4 been raised in that. I am not asking for a continuance
5 based on that; but I made -- I may be consulting with a
6 medical expert on those. And I hope to devote myself
7 tomorrow to do that. But I am concerned that I will not be
8 able to come up with a report that fast.

9 THE COURT: All right. I am mindful, of course, that
10 its twenty after 9:00. We have jurors waiting patiently.
11 These are matters we will likely have the time to address
12 later today.

13 MR. FRANK: Certainly.

14 THE COURT: Mr. Capeless, was there something else on
15 your agenda?

16 MR. CAPELESS: To be very brief, just to clarify,
17 because you -- the decision we got today about request for
18 statements of Mr. Cashman. In speaking with the officers,
19 apparently what he's referring to some statement about
20 officers having some concern about his reliability came up
21 during an interview with investigators on this case -- which
22 was recorded -- that he has; in which they explain to him,
23 we are asking these questions, we want to make sure that
24 you're not some sort of a plant here on behalf of the
25 defendant, trying to act like you are coming forward to us.

1 And he has that.

2 And this was not part of the -- this was not some sort
3 of interview process for the witness protection program at
4 least as far as ID.

5 THE COURT: That additional piece of information, does
6 not appear to me, that would modify the order I made
7 yesterday.

8 All right. I will take a recess, and we'll bring the
9 jurors into the courtroom, and then we will reconvene for
10 purposes of jury selection.

11 (The Court exited at 9:21 a.m.)

12 (* * * * *)

13 (The Court entered at 9:29 a.m.)

14 (The defendant was present.)

15 (The venire was present.)

16 COURT OFFICER: Hear ye, hear ye. All persons having
17 anything to do before the Honorable Jeffrey Kinder, Justice
18 of the Superior Court, at the criminal session thereof, now
19 sitting at Springfield for the transaction of criminal
20 business within and for the County of Hampden, draw near,
21 give your attendance, and you shall be heard.

22 God save the Commonwealth of Massachusetts and this
23 Honorable Court.

24 This Court is now in session.

25 You may be seated.

1 THE COURT: Good morning, ladies and gentlemen.

2 THE JURY: Good morning.

3 THE COURT: My name is Jeffrey Kinder. I'm a Superior
4 Court Judge. We have some formal business we need to attend
5 to immediately.

6 Ms. Capeless, you may proceed.

7 THE CLERK: The Court will now continue the impanelment
8 process in a criminal case reached for trial, Commonwealth
9 vs. David T. Chalue, Indictments 2011-140, Counts 10, 11,
10 12, each of those indictments charging the defendant with
11 murder; Indictments 2011-140, Counts 13, 14, 15, each of
12 those indictments charging the defendant with kidnapping;
13 Indictments 2011-140, Counts 16, 17, and 18, each of those
14 indictments charging the defendant with intimidation of a
15 witness or other person.

16 Will all of the jurors please stand and raise your
17 right hands.

18 (The venire was sworn.)

19 THE COURT: Ladies and gentlemen, I want to welcome you
20 to Courtroom Number Two in the Hampden County Hall of
21 Justice. For some of you it is likely welcome back.

22 How many of you have been in the building before and
23 participated in the jury selection process?

24 (Pause)

25 THE COURT: And of that number, how many of you have

1 actually been selected to sit on a jury in a different case
2 previously?

3 (Pause)

4 THE COURT: And how many of you are here for the very
5 first time, having never participated in this process?

6 (Pause)

7 THE COURT: For those of you in category three, if you
8 are anxious, having never done this before, you can relax.
9 As long as you can understand English, your life experience
10 and your common sense make you a perfect candidate to be a
11 juror.

12 If you have some emergency scheduling conflict that has
13 recently developed in your own personal life, you will have
14 an opportunity to bring that to my attention, and if you're
15 feeling just generally just inconvenienced by having to be
16 here today, that's not an uncommon reaction to receipt of
17 your summons. But let me offer a different perspective and
18 ask you to keep this in mind.

19 There are, in our country, only two times when our
20 government calls upon its citizens to come forward and serve
21 in some affirmative capacity. One is the military draft
22 which, as you know, does not now exist and has not existed
23 since the Vietnam conflict.

24 The only other time we are called upon by our
25 government to come forward and serve is jury service, and in

1 our Commonwealth, that happens once every three years, and
2 then only for one day or one trial, whichever is longer.

3 If you can take a step back from your own personal and
4 professional concerns and think about it from that
5 perspective, I suggest to you that it is a fairly small
6 sacrifice that we all make once every three years to ensure
7 that all of us are afforded the protection of the jury
8 system.

9 That protection has been in existence since our
10 Constitution in the Commonwealth of Massachusetts was
11 ratified well over 200 years ago, making it, by the way, the
12 oldest written Constitution in continuous effect in the
13 world, older even than our U.S. Constitution. And in that
14 document, there is a provision that says that no person
15 shall be deprived of their liberty or their property but by
16 judgment of their peers.

17 Today, ladies and gentlemen, you are those peers, and
18 people just like you have been called into courthouses all
19 across the Commonwealth for well over 200 years for that
20 very purpose.

21 Now, I want to take a few minutes and explain to you
22 the process that we're going to follow and a little bit more
23 about the case. I don't want there to be any mystery in the
24 jury selection process. But before I even make that
25 explanation, let me introduce to you some of the important

1 people that will be assisting me throughout the trial and
2 jury selection process.

3 First, you have already heard from Debbie Capeless.
4 She is seated directly in front of me. She is the elected
5 Clerk of the Superior Court in Berkshire County.

6 To her right, to your left, is Alicia Cayode Kyles. As
7 you can see, she is the stenographer, which means she is
8 recording everything that I say, as I say it, by way of
9 keystroke, and she will continue to do that throughout the
10 jury selection and trial.

11 And you have already met some of the Court Officers.
12 Their job is, of course, security and decorum in the
13 courtroom. But more importantly, during the jury selection
14 process, they will coordinate your movement within the
15 courtroom, so please pay close attention when they tell you
16 when and where to move.

17 Now, I am going to ask a series of questions to
18 everyone in the courtroom. They are yes-or-no questions.
19 No verbal response is required. Each of you has been given
20 a card, and on that card, there is a number. And we're
21 going to use that card in this process in the following way:
22 If your answer to one of my questions is no, you do nothing.
23 If your answer to one of my questions is yes, then I want
24 you to raise your card high enough in the air so that the
25 Court Officers can see it, and hold it there until such time

1 as you hear them announce the number on your card to me, and
2 we will keep a record of it.

3 This is not a test. There are no right or wrong
4 answers. The questions are simply designed to determine
5 whether or not you have some personal life experience that
6 might in some way affect your ability to be a fair and
7 impartial juror in this case.

8 When I say hold it high enough so we can see it, I
9 don't mean like this (indicating) because often we can't see
10 beyond the person in front of you. Hold it nice and high
11 until -- hold it until such time as you hear the number on
12 your card called out.

13 Now, let me give you an example. In a few moments, I'm
14 going to introduce you to the lawyers who are going to be
15 participating in this trial, and it's important for them,
16 and for me, to know whether or not you know any of them. So
17 one of the questions I will ask you in a few minutes is
18 whether or not you know any of the lawyers. And if you do,
19 you will raise your card. That doesn't necessarily mean you
20 are not a perfectly appropriate juror for this case. It
21 just means that I need to inquire a little bit further.

22 I sometimes find in this process that jurors are
23 uncertain as to whether or not they should answer a
24 particular question yes or no.

25 Perhaps, for example, they recognize a name, but

1 they're not sure it's the person they know. And in their
2 uncertainty, they choose not to raise their card only to
3 later determine that the bit of information they had would
4 have been important for me to know and for the attorneys to
5 know in the jury selection process. I tell you that because
6 I want you to act in an abundance of caution and raise your
7 card even if you are uncertain so we can address whatever
8 your uncertainty is. There is no penalty for bringing
9 something to our attention that later turns out to be
10 inconsequential in the jury selection process.

11 So that's going to be phase one, ladies and gentlemen,
12 phase one. I'm going to ask those questions in open court.
13 Then there's going to be a second phase of the jury
14 selection process. After I ask those first questions, I'm
15 going to take a very brief recess, and you are all going to
16 file out of the courtroom. And then we're going to bring
17 you back into the courtroom, one at a time, and I'm going to
18 ask some follow-up questions that I have determined are more
19 appropriately asked in a private setting.

20 At the time I ask those questions, I also will have
21 with me the biographical form that each of you has filled
22 out, and it may be that there are some points on your
23 biographical form that will prompt another question from me.
24 For example, if you have previously served as a juror in a
25 different case, I may ask you about that case and whether or

1 not, ultimately, your prior jury service would have any
2 effect on your ability to act as a fair and impartial juror
3 in this case.

4 That, in the end, is the final question with each of
5 our additional areas of questioning. That is would this
6 information -- whatever it might be -- have any bearing on
7 your ability to act fairly and impartially?

8 I will also ask you whether or not you responded to any
9 of my earlier questions, that is, the ones I'm about to ask
10 you here in open court.

11 We are not necessarily testing you to see if you can
12 remember which questions you responded to but if you do
13 remember them, it makes the process a little bit more
14 efficient. So I will ask you did you respond to any of my
15 earlier questions by raising your card, so when you do that,
16 keep in mind what question you responded to. It might make
17 things go more quickly.

18 Speaking of efficiency, this can be a tedious process,
19 especially when we remove you from the courtroom and begin
20 phase two. I ask for your patience, and I apologize for any
21 lengthy delay that might occur. It is an important process,
22 and I would ask you to be respectful of the process.

23 When you are outside of the courtroom, please don't
24 discuss any aspect of this case among yourselves. You can
25 feel free to talk to each other about anything you would

1 like except the one thing that brings you all here together,
2 and that is this very case. Please do not discuss it in any
3 way.

4 The other thing, ladies and gentlemen, I should tell
5 you is that we are going to hand out to each of you a list
6 of all the prospective witnesses -- that is, people that
7 might be called to testify in this trial -- and you will
8 have them with you to review before you come back into the
9 courtroom. And one of the first questions I will ask you is
10 whether or not you had a chance to review that list of
11 witnesses, and, if so, whether or not you recognized any
12 names on that witness list.

13 Now, again, the fact that you may know one of the
14 witnesses does not necessarily mean that you're not a
15 perfectly appropriate juror. It just means I need to
16 inquire further into the nature of that relationship.

17 So we are about to begin phase one, ladies and
18 gentlemen, which, again, is that series of questions I will
19 ask to all of you. They are yes-or-no questions. Your
20 responsibility is to raise your card if and only if your
21 answer to my question is yes. You do nothing more. If your
22 answer is no, you do nothing at all.

23 But before I even ask you the questions, I want to give
24 you a brief synopsis of what this case is about because it's
25 important that you know this during the jury selection

1 process.

2 In this criminal case, the Commonwealth alleges that on
3 or about August 28, 2011, the defendant in this case, David
4 Chalue and two other men, Adam Hall and Caius Veiovis,
5 kidnapped and murdered David Glasser, Edward Frampton, and
6 Robert Chadwell in the area of Pittsfield, Massachusetts,
7 Berkshire County, by shooting and stabbing them.

8 It is further alleged that the bodies of Glasser,
9 Frampton, and Chadwell were buried in Becket, Massachusetts,
10 with the assistance of another individual, David Casey.

11 The Commonwealth alleges that these murders were
12 committed to eliminate Glasser, Frampton, and Chadwell as
13 witnesses against Mr. Hall.

14 It is important for you to understand and remember that
15 these charges, which Mr. Chalue denies, are mere
16 allegations.

17 Mr. Chalue is presumed to be innocent. The
18 Commonwealth has the burden of proving his guilt beyond a
19 reasonable doubt. Mr. Chalue has no obligation at all to
20 present any evidence in this case or to testify himself.

21 Now, let me turn, ladies and gentlemen, to those
22 questions.

23 I have forgotten to do something that I told you I was
24 about to do, that is, to introduce you to the lawyers who
25 will participate in this case.

1 So let me start with the representatives of the
2 Commonwealth of Massachusetts. Mr. Capeless, could you
3 introduce yourself and your staff, please.

4 MR. CAPELESS: Yes, Your Honor. Thank you.

5 Ladies and gentlemen, good morning.

6 THE JURY: Good morning.

7 MR. CAPELESS: I am Berkshire District Attorney David
8 Capeless, and I will be prosecuting this case on behalf of
9 the Commonwealth. And assisting me at prosecution, First
10 Assistant District Attorney Paul Caccaviello.

11 MR. CACCAVIELLO: Good morning.

12 MR. CAPELESS: And Assistant District Attorney Gregory
13 Barry.

14 MR. BARRY: Good morning.

15 THE JURY: Good morning.

16 THE COURT: Mr. Frank, can you introduce yourself, your
17 client, and your colleagues, please.

18 MR. FRANK: Thank you.

19 Good morning, ladies and gentlemen. My name is
20 Attorney Donald Frank. I have a private office in
21 Springfield, Massachusetts.

22 With me and assisting me is Attorney Bonnie Allen.

23 MS. ALLEN: Good morning.

24 MR. FRANK: Attorney Meredith Ryan.

25 MS. RYAN: Good morning.

1 MR. FRANK: And I represent David Chalue who is seated
2 at the far side.

3 THE DEFENDANT: Good morning.

4 THE JURY: Good morning.

5 THE COURT: Ladies and gentlemen, I am now going to
6 begin to ask those questions. Let me say for the third
7 time, your responsibility is to raise your card if and only
8 if your answer is yes. Please listen carefully.

9 Do you know or are you related to the defendant David
10 Chalue or any member of his family?

11 (Pause)

12 COURT OFFICER: Juror Number 50.

13 THE COURT: Thank you.

14 Are you employed by or related to any member of the
15 Berkshire County District Attorney's Office?

16 (Pause)

17 THE COURT: No cards have been raised.

18 Since we are in Hampden County, let me ask a related
19 question. Are any of you or any member of your family
20 employed by the Hampden County District Attorney's Office?

21 (Pause)

22 THE COURT: Again, one card has been raised.

23 COURT OFFICER: Number 34, Your Honor.

24 THE COURT: Have you or any close relatives or family
25 members been employed by any federal, state, or local law

1 enforcement agency?

2 COURT OFFICER: Number 30, number 32, number 48, number
3 42, 26, 9, 69, 94, 90, 66, 73, and 54, Your Honor.

4 Number 23, Your Honor.

5 THE COURT: Thank you.

6 COURT OFFICER: Jurors number 65, 92, 79, 87, 81, 50,
7 49, 37, 12, 14, 7, and 1.

8 THE COURT: Would you tend to believe or disbelieve the
9 testimony of a police officer as opposed to the testimony of
10 any other witness simply because that witness is employed as
11 a police officer?

12 (Pause)

13 COURT OFFICER: Number 48, number 54, number 90, number
14 69, number 61, Your Honor.

15 THE COURT: Thank you.

16 Do you know or are you related to any of the court
17 personnel, any of the attorneys involved in this case, or
18 anyone associated with any of the attorneys?

19 (Pause)

20 COURT OFFICER: Number 48, Your Honor.

21 COURT OFFICER: Number 18.

22 THE COURT: Thank you.

23 COURT OFFICER: Number 77 as well, Your Honor.

24 THE COURT: Thank you.

25 The alleged victims in this case are David Glasser,

1 Edward Frampton, and Robert Chadwell.

2 Do any of you know those individuals or any member of
3 their families?

4 (Pause)

5 THE COURT: No cards have been raised in response to
6 that question.

7 Do you have any interest or stake whatsoever in this
8 case or its outcome?

9 (Pause)

10 THE COURT: No cards have been raised.

11 Have you expressed or formed any opinion or judgment in
12 this case?

13 (Pause)

14 THE COURT: No cards have been raised.

15 Are you aware of any bias or prejudice that you have
16 either for or against the Commonwealth or the defendant?

17 (Pause)

18 COURT OFFICER: Juror number 92.

19 THE COURT: Thank you.

20 COURT OFFICER: Also I have juror number 50, Your
21 Honor.

22 THE COURT: Thank you.

23 Have you read, seen, or heard anything about this case
24 in the newspapers, radio, television, Internet, or elsewhere
25 or have you discussed it with anyone?

1 (Pause)

2 COURT OFFICER: Number 20, number 24, 23, 47, 34, 48,
3 30, 32, 90, 94, 77, 88, 63, 69, 59, 57, and 73, Your Honor.

4 COURT OFFICER: Juror number 65, 92, 67, 93, 70, 52,
5 80, 28, 81, 78, 79, 45, 50, 49, 2, 12, 14, 3, 18, 19, 15, 7,
6 and 1.

7 THE COURT: Thank you.

8 Is there any reason such as physical problems, language
9 difficulties, religious beliefs, hearing impairment, medical
10 problems, or the like that might prevent you from sitting as
11 a juror in this case?

12 (Pause)

13 COURT OFFICER: 42, 24, 47, and 57, Your Honor.

14 COURT OFFICER: Jurors number 70, 82, 91, 40, 7, and 1.

15 THE COURT: Thank you.

16 Ladies and gentlemen, there are certain fundamental
17 constitutional principles that govern this and every other
18 criminal case. Some of them I have already alluded to. I
19 want to repeat them, and then ask you a question about them.
20 They are important. Please listen carefully.

21 The defendant Mr. Chalue is presumed to be innocent of
22 the charges, and he remains innocent unless and until he is
23 proven guilty by the Commonwealth. The Commonwealth has the
24 burden of proving his guilt beyond a reasonable doubt. A
25 failure to meet that burden of proof must result in a

1 finding of not guilty. The defendant is not required to
2 present any evidence, nor is he required in any way to
3 testify himself in this case.

4 If any prospective juror has any difficulty at all in
5 understanding and accepting any of these principles, please
6 raise your card.

7 (Pause)

8 THE COURT: No cards have been raised in response to
9 that question.

10 Ladies and gentlemen, I am sure that you are all
11 wondering how much time this case would take, and I'm going
12 to tell you that when I bring you back into the courtroom
13 one at a time, and I'm going to ask you whether or not the
14 duration of the trial would pose a substantial hardship for
15 any of you.

16 And you should know that by "substantial hardship," I
17 mean something other than a personal or professional
18 inconvenience which I assume all of you are enduring to some
19 degree simply by having to be here. I understand that. We
20 all understand it, and we appreciate it. There is a
21 difference, however, between an inconvenience and a
22 substantial hardship.

23 So I have now asked those initial questions. The
24 second phase will be to remove you from the courtroom and
25 bring you back into the courtroom one at a time. Please

1 bear in mind those things that I will be asking you about.
2 That is, first, whether or not you have read the list of
3 potential witnesses; second, whether or not you answered any
4 of my earlier questions, and then I will have some
5 individual questions for each of you.

6 Please be patient with the process as we will do this
7 as efficiently as I can.

8 I am now in recess.

9 (The Court recessed at 9:52 a.m.)

10 (* * * * *)

11 (The Court entered at 10:00 a.m.)

12 (The defendant was present.)

13 THE COURT: Mr. Frank, I understand you have an issue
14 you want to discuss.

15 MR. FRANK: Yes, Judge, with one of the jurors we
16 noticed a copy of the *Republican* in his hands, and it's now
17 in the jury room. There is a large article in Masslive. I
18 don't know where it is in the paper, the printed paper,
19 titled, by the way, Aryan Brotherhood something, something,
20 something.

21 My concern is, first of all, I would like to remove
22 that newspaper from that jury room before it gets passed
23 around. And I think inquiry is going to need to be made as
24 I recall it from the Masslive.

25 THE COURT: Here's how I will deal with that.

1 First of all, I think it is appropriate we remove any
2 of today's newspapers from the jury room.

3 Second, I think you're mistaken about the headline, at
4 least in the print version. It does not mention -- at least
5 based on my recollection -- any association with the Aryan
6 Brotherhood.

7 But in any event, what I will do is ask a question of
8 each juror individually whether or not they have seen or
9 heard any media reports or discussed it with anyone, either
10 previously or during the time that they've been waiting to
11 come into the courtroom.

12 MR. FRANK: And one other additional matter is I
13 noticed today there were a lot of hands on that question
14 regarding somebody who knows something about -- that
15 question. I assume that relates to media, and we will be
16 inquiring further.

17 I think it will be, also, appropriate during individual
18 voir dire to determine what information they have learned
19 from the print media versus a more generalized question. I
20 think yesterday's questions didn't deal with that question
21 directly as to what information they have obtained from the
22 media.

23 THE COURT: I'm not sure I agree with that assessment
24 necessarily, but I will try to deal with that in a thorough
25 fashion, one by one.

1 MR. FRANK: Thank you.

2 THE COURT: You can bring the first juror in, please.

3 (Pause)

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 1

5 COURT OFFICER: Juror Number 1, Mr. Keeley, good
6 morning.

7 THE JUROR: Good morning.

8 THE COURT: Did you get a chance to look at that list
9 of witnesses?

10 THE JUROR: I did.

11 THE COURT: Did you recognize any names?

12 THE JUROR: I did, from the state trooper list, sir.

13 THE COURT: More than one?

14 THE JUROR: Just one, sir.

15 THE COURT: Who is that?

16 THE JUROR: I believe I know Trooper Christopher
17 Donahue.

18 THE COURT: And in what capacity do you know
19 Mr. Donahue?

20 THE JUROR: If it's the one I believe it is, we grew
21 up -- when I was a kid, he lived next door, and I was --

22 THE COURT: That is Chris Donahue, a state trooper, to
23 your knowledge?

24 THE JUROR: I assume, yes.

25 THE COURT: And let's assume that witness actually

1 testifies, based on your prior knowledge and relationship
2 with that person, would you tend to place that witness on a
3 different level than other witnesses that might testify in
4 the case?

5 THE JUROR: Yes, sir.

6 THE COURT: You are excused.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 2

8 COURT OFFICER: Juror Number 2.

9 THE COURT: Good morning. Is it Ms. Verteramo?

10 THE JUROR: Yes.

11 THE COURT: Ms. Verteramo, did you get a chance to look
12 at that list of witnesses?

13 THE JUROR: Yes.

14 THE COURT: Did you recognize any names?

15 THE JUROR: No.

16 THE COURT: We anticipate the trial of this case will
17 last four weeks, proceeding most days from 9:30 in the
18 morning until 4:00 in the afternoon. Bearing in mind that
19 schedule, the importance of this case, and our need for good
20 jurors like you, are you available to assist us?

21 THE JUROR: I am a student in college. I do have
22 classes Tuesdays to Thursdays.

23 THE COURT: Where do you attend college?

24 THE JUROR: STCC right now.

25 THE COURT: And are you near the end of the semester?

1 THE JUROR: Yes. I get out May 8 -- May 8.

2 THE COURT: You still have classes and finals
3 remaining?

4 THE JUROR: (Indicating)

5 THE COURT: You have to say yes or no.

6 THE JUROR: Yes. Sorry.

7 THE COURT: And would it be a hardship for you to miss
8 those classes?

9 THE JUROR: Yes.

10 THE COURT: You are excused.

11 THE JUROR: Thank you.

12 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 3

13 COURT OFFICER: Juror Number 3.

14 THE COURT: Ms. Decaro, good morning.

15 THE JUROR: Good morning.

16 THE COURT: Did you get a chance to look at that list
17 of witnesses?

18 THE JUROR: Yes, I did.

19 THE COURT: Did you recognize any names?

20 THE JUROR: No.

21 THE COURT: We anticipate the trial of this case will
22 last four weeks, proceeding each day from 9:30 until 4:00.
23 Bearing in mind that schedule, the importance of this case,
24 and our need for good jurors like you, are you available to
25 help us?

1 THE JUROR: Well, I'm recovering from breaking both of
2 my legs. I have good days and bad days. Some days I don't
3 walk so good.

4 THE COURT: As you might imagine, what -- most of what
5 will be required of you here is sitting. Do you take pain
6 medication?

7 THE JUROR: No, I will not.

8 THE COURT: All right. Is it -- are you uncomfortable
9 when you are sitting?

10 THE JUROR: Yeah. My legs get really stiff.

11 THE COURT: If you are given an opportunity to get up
12 and move around from time to time, does that help?

13 THE JUROR: A little bit.

14 THE COURT: All right. Is there any other reason other
15 than the concern you've already mentioned why you would be
16 unavailable to assist us?

17 THE JUROR: The only other thing is I have -- is my
18 husband works out of state, and I have a small farm, and I'm
19 responsible to take care of all of the animals.

20 THE COURT: All right. So your husband works out of
21 state on a regular basis?

22 THE JUROR: Yes.

23 THE COURT: Would it be a hardship for you to have to
24 care for or find someone else to care for your animals?

25 THE JUROR: I would have to find someone to take care

1 of them.

2 THE COURT: And is that something you could do or would
3 that pose an economic hardship?

4 THE JUROR: I would have to pay someone to come up and
5 take care of the farm.

6 THE COURT: You are excused.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 4

8 COURT OFFICER: Juror Number 4.

9 THE COURT: Mr. Hanifan, good morning.

10 THE JUROR: Good morning.

11 THE COURT: Let me ask, did you get a chance to look at
12 that list of witnesses?

13 THE JUROR: I did.

14 THE COURT: Did you recognize any names?

15 THE JUROR: No.

16 THE COURT: We anticipate the trial of this case will
17 last approximately four weeks, proceeding from 9:30 in the
18 morning until 4:00 each day. Bearing in mind that schedule,
19 the importance of this case, and our need for good jurors
20 like you, are you available to help us?

21 THE JUROR: Yes.

22 THE COURT: Have you or any member of your family ever
23 been the victim of a crime of violence?

24 THE JUROR: No.

25 THE COURT: Did you raise your card in response to any

1 of my earlier questions?

2 THE JUROR: No.

3 THE COURT: You haven't seen or heard anything about
4 this case or discussed it with anyone?

5 THE JUROR: No.

6 THE COURT: How about during the time you were out
7 since you were last in the courtroom waiting, did you
8 discuss it with anyone or see any media reports?

9 THE JUROR: No.

10 THE COURT: There may be evidence in this case that one
11 of the co-defendants, Mr. Hall, had some affiliation with
12 the Hells Angels Motorcycle Club, and that this defendant,
13 Mr. Chalue, had some affiliation with the Aryan Brotherhood
14 organization. If you were to hear such evidence, would that
15 evidence prevent you from acting fairly and impartially?

16 THE JUROR: No.

17 THE COURT: One of the victims in this case, Robert
18 Chadwell, was African American. The defendant is Caucasian.
19 Would those facts prevent you from acting fairly and
20 impartially in this case?

21 THE JUROR: No.

22 THE COURT: The defendant has an absolute right to
23 remain silent. If he exercises that right and does not
24 testify, would you hold that against him in any way?

25 THE JUROR: No.

1 THE COURT: There may be evidence in this case that the
2 bodies of the victims were dismembered, and the jury may be
3 exposed to graphic photographs regarding that evidence. If
4 you were to see or hear such evidence, would that prevent
5 you from acting as a fair and impartial juror?

6 THE JUROR: No.

7 THE COURT: Can you think of any other reason, whether
8 I have asked about it or not, why you would not be fair and
9 impartial if selected?

10 THE JUROR: No.

11 THE COURT: All right. If I could ask you just to step
12 out in the hallway, Mr. Hanifan, for just a minute.

13 THE JUROR: Okay.

14 (The juror exited.)

15 THE COURT: Find him indifferent.

16 MR. CAPELESS: The Commonwealth challenges this juror,
17 Your Honor.

18 THE COURT: Very well.

19 Mr. Hanifan, thank you for your service.

20 You have been excused.

21 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 6

22 COURT OFFICER: Juror Number 6.

23 THE COURT: Mr. Velez, good morning.

24 THE JUROR: Good morning.

25 THE COURT: Did you get a chance to look at that list

1 of witnesses?

2 THE JUROR: Yes.

3 THE COURT: Did you recognize any names?

4 THE JUROR: No.

5 THE COURT: We anticipate the trial of this case will
6 last approximately four weeks, proceeding each day from 9:30
7 until 4:00. Bearing in mind that schedule, the importance
8 of this case, and our need for good jurors like you, are you
9 available to help us?

10 THE JUROR: Four weeks?

11 THE COURT: Four weeks, roughly.

12 THE JUROR: No.

13 THE COURT: Why is that?

14 THE JUROR: Work.

15 THE COURT: All right. As I'm sure you can imagine,
16 most of the people sitting here today have some employment.
17 Is there something in particular about your work that would
18 pose a substantial hardship for you if you had to miss it?

19 THE JUROR: Not that I know of.

20 THE COURT: Would there be an economic hardship for
21 you?

22 THE JUROR: Yes.

23 THE COURT: There would be?

24 THE JUROR: Yes.

25 THE COURT: Are you telling me your employer, Smith and

1 Wesson, would not pay you?

2 THE JUROR: I'm not sure.

3 THE COURT: You don't know?

4 THE JUROR: No.

5 THE COURT: You're excused.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 7

7 COURT OFFICER: Juror Number 7.

8 THE COURT: Ms. Burroughs?

9 THE JUROR: Yes.

10 THE COURT: Good morning.

11 THE JUROR: Good morning.

12 THE COURT: Did you get a chance to look at that list
13 of witnesses?

14 THE JUROR: Yes, I did.

15 THE COURT: Did you recognize any names?

16 THE JUROR: No.

17 THE COURT: We anticipate this case will last
18 approximately four weeks, proceeding each day from 9:30
19 until 4:00 in the afternoon. Bearing in mind that schedule,
20 the importance of this case, and our need for good jurors
21 like you, are you available to help us?

22 THE JUROR: That depends. I'm a diabetic, and since
23 I've retired, I've had several reactions because I take the
24 insulin in the morning. If I'm going to be sitting here,
25 like, every two or three hours I would have to have some

1 juice and stuff like that. That makes a long day for me.

2 THE COURT: I understand. Well, let me tell you this:
3 We take a break every hour and a half or two hours.

4 THE JUROR: Okay.

5 THE COURT: With that understanding, do you think you
6 your diabetes could be kept under control?

7 THE JUROR: Yes, sure.

8 THE COURT: All right. Let me ask you this: Have you
9 or any member of your family ever been the victim of a crime
10 of violence?

11 THE JUROR: No.

12 THE COURT: Did you respond to any of my earlier
13 questions by raising your card?

14 THE JUROR: Yes, I did.

15 THE COURT: I see that you have a niece that is a
16 police officer and a brother-in-law that is a police
17 officer?

18 THE JUROR: Right.

19 THE COURT: All right. Is there anything about your
20 relationships with those individuals and their lines of work
21 that you think could impact your ability to act as a fair
22 and impartial juror?

23 THE JUROR: To be honest, I don't know if I will be a
24 fair and impartial juror.

25 THE COURT: Why is that?

1 THE JUROR: I -- because I live with my niece, and I
2 know her, and I kind of lean towards what the police have to
3 say.

4 THE COURT: Thank you for your honesty.
5 You are excused.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 8

7 COURT OFFICER: Juror Number 8.

8 THE COURT: Good morning, ma'am. Is it Ms. Gamidov?

9 THE JUROR: Gamidov.

10 THE COURT: Did you get a chance to look at that list
11 of witnesses?

12 THE JUROR: Yes.

13 THE COURT: Did you recognize any names?

14 THE JUROR: No.

15 THE COURT: All right. We anticipate the trial of this
16 case will last four weeks, proceeding from 9:30 each morning
17 until 4:00 in the afternoon. Bearing in mind that schedule,
18 the importance of this case, and our need for good jurors
19 like you, are you available to help us?

20 THE JUROR: From 9:30 to 4:00?

21 THE COURT: Correct.

22 THE JUROR: Every day?

23 THE COURT: Every day, Monday through Friday.

24 THE JUROR: For four weeks?

25 THE COURT: For four weeks.

1 THE JUROR: Gosh, that's a long time.

2 THE COURT: The question again is --

3 THE JUROR: What if something happens during that time:

4 I wouldn't be able to show up for a day.

5 THE COURT: Well, that would be a problem.

6 THE JUROR: So I would have to be here every day?

7 THE COURT: Monday through Friday from 9:30 until 4:00.

8 THE JUROR: No wonder this process takes forever.

9 THE COURT: You're making me nervous by moving around.

10 Can you stand in one place?

11 THE JUROR: I'm sorry.

12 THE COURT: Thank you.

13 THE JUROR: Yeah, I think I can do that.

14 THE COURT: Very good.

15 Have you or any member of your family been the victim
16 of a crime of violence?

17 THE JUROR: No.

18 THE COURT: Did you raise your hand in response to any
19 of my earlier questions?

20 THE JUROR: No.

21 THE COURT: There may be evidence in this case that one
22 of the co-defendants, Mr. Hall, had some affiliation with
23 the Hells Angels Motorcycle Club and that this defendant,
24 Mr. Chalue, had some affiliation with the Aryan Brotherhood.

25 If you were to hear such evidence, would that prevent

1 you from acting fairly and impartially?

2 THE JUROR: No.

3 THE COURT: The -- one of the victims in this case,
4 Robert Chadwell, was African American. The defendant is
5 Caucasian. Would those facts prevent you from acting fairly
6 and impartially?

7 THE JUROR: No.

8 THE COURT: Mr. Chalue has a right to remain silent in
9 this trial. If he exercises that right and does not
10 testify, would you hold that against him?

11 THE JUROR: No.

12 THE COURT: The evidence in this case may include some
13 photographs and other testimony regarding the dismemberment
14 of the bodies of the victims. If you were to hear and see
15 such evidence, would that prevent you from acting fairly and
16 impartially?

17 THE JUROR: No.

18 THE COURT: Can you think of any reason, whether I have
19 asked about it or not, you would not be a fair and impartial
20 juror?

21 THE JUROR: Not that I can think of.

22 THE COURT: And you haven't heard or seen anything in
23 the media about this case either before today or during the
24 time that you've been waiting; is that correct?

25 THE JUROR: I haven't heard anything.

1 THE COURT: Have you discussed it with anyone?

2 THE JUROR: No.

3 THE COURT: All right. If you could step out in the
4 hallway for just a minute, please.

5 (The juror exited.)

6 THE COURT: I find her indifferent.

7 MR. CAPELESS: Judge, on her form, she indicates she is
8 presently attending STCC, and I would ask the Court to
9 inquire about that. I was expecting she was going to bring
10 that up at the very beginning when she was concerned about
11 the time commitment.

12 THE COURT: All right. I will inquire.

13 MR. FRANK: Judge, before she comes out --

14 THE COURT: Yes.

15 MR. FRANK: -- if I may, I thought you were also going
16 to be asking the question regarding tendency to believe an
17 officer over a civilian. I don't believe you did that.

18 THE COURT: I did ask that question initially, and I
19 did ask her whether she responded to any of my questions by
20 raising her card, which I'm not inclined to repeat with
21 every witness the way I did yesterday based on your concern
22 without some reason to believe that people inaccurately
23 answered that question when I asked the group.

24 MR. FRANK: I would say that I believe it was the last
25 witness (sic) who did not raise her hand to that question

1 when asked generally about that and I think she did state
2 that because that person knew an officer, she had a tendency
3 to believe the officer more than another person is another
4 example of that tendency. It's worth asking.

5 THE COURT: All right. I will ask the question.

6 MR. FRANK: Thank you.

7 (The juror entered.)

8 THE COURT: Ms. Gamidov, I see from your biographical
9 form, you are an STCC student currently?

10 THE JUROR: Yes.

11 THE COURT: Are you missing classes today?

12 THE JUROR: Yeah, I'm missing my clinical hours.

13 THE COURT: All right. And you would miss classes also
14 for the four-week period? Would you miss other classes?

15 THE JUROR: I have until May 9 to finish up my clinical
16 hours, and then I graduate May 29.

17 THE COURT: All right. So you would be missing --
18 participation in this trial would interfere with your
19 academic schedule; is that right?

20 THE JUROR: Oh, yeah it would.

21 THE COURT: You're excused.

22 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 9

23 COURT OFFICER: Juror Number 9.

24 THE COURT: Is it Ms. Capeles?

25 THE JUROR: Yes.

1 THE COURT: Ms. Capeles, good morning.

2 THE JUROR: Good morning.

3 THE COURT: Did you recognize any of the names on that
4 witness list?

5 THE JUROR: No.

6 THE COURT: We anticipate the trial of this case will
7 last four weeks, proceeding each day from 9:30 until 4:00.
8 Bearing in mind that schedule, the importance of this case,
9 and our need for good jurors like you, are you available to
10 help us?

11 THE JUROR: I don't know if my employer would like me
12 to be off.

13 THE COURT: You work for the Hampden County
14 Correctional Facility?

15 THE JUROR: Yes.

16 THE COURT: I'm sure they would make you available.

17 By the way, does your employment at the Hampden County
18 Correctional Facility -- do you think that would interfere
19 with your ability to act as a fair and impartial juror?

20 THE JUROR: No.

21 THE COURT: Did you respond to any of my earlier
22 questions by raising your card?

23 THE JUROR: Yes.

24 THE COURT: All right. You recall which ones other
25 than the fact that you work at the jail?

1 THE JUROR: I do not recall.

2 THE COURT: All right. Well, let me ask, do you
3 remember hearing or seeing anything about this case in the
4 media?

5 THE JUROR: No.

6 THE COURT: Have you discussed the case with anyone?

7 THE JUROR: No.

8 THE COURT: And have you seen or heard any media
9 reports or discussed it while you've been waiting to come in
10 here just now?

11 THE JUROR: No.

12 THE COURT: Ms. Capeless, do we have a list of what
13 other questions she might have responded to?

14 THE CLERK: She only responded to the law enforcement
15 question.

16 THE COURT: All right. Thank you.

17 There may be need in this case, Ms. Capeles, that one
18 of the co-defendants, Adam Hall, was affiliated with the
19 Hells Angels Motorcycle Club and this defendant, Mr. Chalue,
20 was affiliated with the Aryan Brotherhood. If you were to
21 hear such evidence, would that prevent you from acting as a
22 fair and impartial juror?

23 THE JUROR: No.

24 THE COURT: Robert Chadwell, one of the victims in this
25 case, was African American. The defendant is Caucasian.

1 Would that evidence prevent you from acting fairly and
2 impartially?

3 THE JUROR: No.

4 THE COURT: Would you tend to believe the testimony of
5 a police officer over the testimony of any other witness
6 simply because he or she was a police officer?

7 THE JUROR: No.

8 THE COURT: There may be evidence in this case that the
9 victims' bodies were dismembered, and you might see evidence
10 in the form of photographs that might be considered graphic
11 in nature. Would that kind of evidence prevent you from
12 acting fairly and impartially?

13 THE JUROR: No.

14 THE COURT: Can you think of any other reason, whether
15 I have asked about it or not, why you would not be fair if
16 selected as a juror in this case?

17 THE JUROR: No.

18 THE COURT: Thank you. I'm going to ask you to step
19 out in the hallway.

20 (The juror exited.)

21 THE COURT: I find her indifferent.

22 MR. CAPELESS: The Commonwealth is content with this
23 juror, Your Honor.

24 MR. FRANK: Judge, you didn't ask her the question of
25 the media.

1 THE COURT: I did.

2 MR. FRANK: Okay. I am -- and the other thing is
3 Ms. Allen believes you didn't talk about whether she would
4 have a tendency to believe a police officer.

5 THE COURT: I would ask both of you to pay a little
6 closer attention. I asked both of those questions. Her
7 answer to each was no.

8 Do you wish to exercise a challenge?

9 MR. FRANK: I wish to also -- I would suggest this is a
10 cause issue, Your Honor, because my client is housed at the
11 Hampden County House of Correction where she is employed.
12 He is under a lot of security there. He's in seg. I think
13 it is likely she will come across his name or him at some
14 point during the course of the next month, and I think that
15 that risk is too high.

16 THE COURT: Your challenge for cause is denied. She
17 has already said that she doesn't know your client nor has
18 she seen or heard anything about the case.

19 MR. FRANK: We're going to have to peremptory, Your
20 Honor.

21 THE COURT: Very well.

22 (The juror was present.)

23 THE COURT: Ms. Capeles, thank you for your service,
24 you have been excused.

25 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 10

1 COURT OFFICER: Juror Number 10.

2 THE COURT: Good morning, sir. Is it Mr. Bertier?

3 THE JUROR: Yes.

4 THE COURT: Mr. Bertier, did you get a chance to look
5 at that list of witnesses?

6 THE JUROR: Yes.

7 THE COURT: Did you recognize any names?

8 THE JUROR: No.

9 THE COURT: We anticipate the trial of this case will
10 last approximately four weeks, proceeding from 9:30 in the
11 morning until 4:00 in the afternoon. Bearing in mind that
12 schedule, the importance of this case, and our need for good
13 jurors like you, are you available to help us?

14 THE JUROR: Yes. I do work, though.

15 THE COURT: Well, as I'm sure you can imagine, most of
16 the people in the building here in your circumstance are
17 employed?

18 THE JUROR: Yes.

19 THE COURT: And I guess my question is related to your
20 work, would your absence from work or is it such that it
21 would cause you a substantial hardship in your opinion?

22 THE JUROR: Yes, but I could do it.

23 THE COURT: You could do it?

24 THE JUROR: Yes.

25 THE COURT: Are you willing to do it?

1 THE JUROR: Sure.

2 THE COURT: Would your work obligations distract you in
3 any way if you were selected to sit as a juror?

4 THE JUROR: No.

5 THE COURT: All right.

6 Have you or any member of your family ever been the
7 victim of a crime of violence?

8 THE JUROR: No.

9 THE COURT: Did you raise your card earlier in response
10 to any of my questions to the entire group?

11 THE JUROR: No.

12 THE COURT: There may be evidence in this case that one
13 of the co-defendants, Mr. Hall, had some affiliation with
14 the Hells Angels Motorcycle Club, and that this defendant,
15 Mr. Chalue, had some affiliation with an organization known
16 as the Aryan Brotherhood. If you were to hear that
17 evidence, would that interfere with your ability to be fair
18 and impartial?

19 THE JUROR: I really don't know.

20 THE COURT: It could?

21 THE JUROR: It could.

22 THE COURT: You are excused.

23 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 11

24 COURT OFFICER: Juror Number 11.

25 THE COURT: Good morning, sir.

1 THE JUROR: Good morning.

2 THE COURT: It's Mr. Phillips?

3 THE JUROR: Yes.

4 THE COURT: Mr. Phillips, did you recognize any of the
5 names on that witness list?

6 THE JUROR: No, sir.

7 THE COURT: Mr. Phillips, we anticipate this case will
8 last approximately four weeks, proceeding from 9:30 in the
9 morning until 4:00 in the afternoon. Bearing in mind that
10 schedule, the importance of this case, and our need for good
11 jurors like you, are you available to help us?

12 THE JUROR: Yes, I am.

13 THE COURT: Have you or any member of your family ever
14 been the victim of a crime of violence?

15 THE JUROR: No.

16 THE COURT: Did you respond to any of my earlier
17 questions by raising your card?

18 THE JUROR: No.

19 THE COURT: I see that you are -- someone in your
20 family has had some prior experience with the criminal
21 justice system, having been arrested and charged. Was that
22 you or someone else in your family?

23 THE JUROR: Myself.

24 THE COURT: Can you estimate for us approximately how
25 long ago it was?

1 THE JUROR: It was about twenty-five years ago.

2 THE COURT: All right. Was it here in Springfield?

3 THE JUROR: Yes.

4 THE COURT: Was it -- and was there a criminal
5 prosecution in this building?

6 THE JUROR: No. It was in Westfield.

7 THE COURT: All right. And did it result in -- it did,
8 according to your form, result in conviction on the crimes
9 you have listed here?

10 THE JUROR: Right.

11 THE COURT: Was there anything about your experience
12 twenty-five years ago that you think might cause you to
13 favor one side over the other in this case or otherwise
14 interfere with your ability to be a fair juror?

15 THE JUROR: No.

16 THE COURT: There may be evidence in this case that
17 Mr. Hall, the defendant in this -- I'm sorry, Mr. Hall, the
18 co-defendant, had some affiliation with the Hells Angels
19 Motorcycle Club, and that Mr. Chalue had some affiliation
20 with the Aryan Brotherhood organization. If you were to
21 hear such evidence, would that interfere with your ability
22 to act fairly and impartially?

23 THE JUROR: No.

24 THE COURT: Have you seen or heard anything about this
25 case?

1 THE JUROR: Just on the news.

2 THE COURT: On the news? All right.

3 And how long ago was it that you saw or heard
4 something?

5 THE JUROR: Last week.

6 THE COURT: All right. Was there anything about -- do
7 you recall what the content of the media report was that you
8 saw or heard?

9 THE JUROR: No. I wasn't really paying attention to
10 it.

11 THE COURT: Was there anything about the contents of
12 the media report that you think might affect your ability to
13 be fair and impartial?

14 THE JUROR: No.

15 THE COURT: Did you, during the time that you've been
16 waiting, either hear or see anything related to the case or
17 discuss it with anyone?

18 THE JUROR: No.

19 THE COURT: Would you tend to believe or disbelieve the
20 testimony of a police officer as opposed to the testimony of
21 any other witness?

22 THE JUROR: No.

23 THE COURT: One of the victims in this case, Robert
24 Chadwell, was an African American. Mr. Chalue is Caucasian.
25 Would those facts affect or interfere with your ability to

1 be fair and impartial?

2 THE JUROR: No.

3 THE COURT: The defendant in this case also has an
4 absolute right to remain silent at this trial. If he
5 exercises that right and does not testify, would you hold
6 that against him in any way?

7 THE JUROR: If he didn't testify?

8 THE COURT: If he did not testify.

9 THE JUROR: Yes, I probably would.

10 THE COURT: You are excused.

11 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 12

12 COURT OFFICER: Juror Number 12.

13 THE COURT: Mr. Garcia, good morning.

14 THE JUROR: Good morning.

15 THE COURT: Did you recognize any names on that list of
16 witnesses?

17 THE JUROR: No.

18 THE COURT: Did you get a chance to look at the list of
19 witnesses?

20 THE JUROR: I got a problem hearing.

21 THE COURT: I see. Okay. Let me ask you, were you
22 able to hear my questions earlier?

23 THE JUROR: Yeah.

24 THE COURT: Can you hear me now?

25 THE JUROR: Yes. Yes.

1 THE COURT: Did you get a chance to look at that list
2 of witnesses?

3 THE JUROR: Yes, I did.

4 THE COURT: Did you recognize any names?

5 THE JUROR: No.

6 THE COURT: We anticipate this case will last
7 approximately four weeks to try, proceeding each day from
8 9:30 in the morning until 4:00 in the afternoon. Bearing in
9 mind that schedule, are you available to help us?

10 THE JUROR: Yes.

11 THE COURT: All right. Do you have -- are you
12 concerned you would have difficulty hearing the witnesses if
13 you were selected as a juror.

14 THE JUROR: Yes, I did.

15 THE COURT: All right. You can hear me okay now?

16 THE JUROR: Yes.

17 THE COURT: Are there some things that people have said
18 in the courtroom that you were unable to hear?

19 THE JUROR: No. I hear everything, what he said.

20 THE COURT: All right. Can you -- if you do not hear
21 something, if you are selected as a juror, would you promise
22 me you will raise your hand?

23 THE JUROR: Yes.

24 THE COURT: Okay. There may be evidence -- did you
25 respond to any of my earlier questions by raising your card?

1 THE JUROR: Yes, I did.

2 THE COURT: And do you remember which question?

3 THE JUROR: No.

4 THE COURT: Have you seen or heard anything about this
5 case in the media?

6 THE JUROR: No.

7 THE COURT: And you work for the City of Springfield;
8 is that correct?

9 THE JUROR: Yes, I do.

10 THE COURT: Ms. Capeless, do we have an indication?

11 THE CLERK: I believe he answered in the affirmative,
12 Your Honor, to the question regarding believing a police
13 officer.

14 THE COURT: All right. Would you tend to believe a
15 police officer as opposed to a non-police witness simply
16 because that witness is employed as a police officer?

17 THE JUROR: Yes.

18 THE COURT: All right. You are excused.

19 Thank you.

20 THE JUROR: Yes.

21 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 13

22 COURT OFFICER: Juror Number 13.

23 THE COURT: Good morning, Mr. Brown.

24 THE JUROR: Good morning.

25 THE COURT: Did you recognize any names on that list of

1 witnesses?

2 THE JUROR: No, sir.

3 THE COURT: Mr. Brown, we anticipate this case will
4 last approximately four weeks, proceeding each day from 9:30
5 in the morning until four o'clock in the afternoon with some
6 exceptions. Bearing in mind that schedule, the importance
7 of this case, and our need for good jurors like you, are you
8 available to help us?

9 THE JUROR: Yes.

10 THE COURT: Have you or any member of your family ever
11 been the victim of a crime of violence?

12 THE JUROR: No.

13 THE COURT: Have you seen or heard anything about this
14 case in the media or have you discussed it with anyone
15 either before today or while you have been here today?

16 THE JUROR: No.

17 THE COURT: There may be evidence in this case that one
18 of the co-defendants, Mr. Hall, had some affiliation with
19 the Hells Angels Motorcycle Club and that this defendant,
20 Mr. Chalue, had some affiliation with an organization known
21 as the Aryan Brotherhood. If you were to hear evidence of
22 that type, would that prevent you from acting fairly and
23 impartially?

24 THE JUROR: No.

25 THE COURT: One of the victims in this case, Robert

1 Chadwell, was African American. Mr. Chalue is Caucasian.
2 Would those facts prevent you from acting fairly and
3 impartially?

4 THE JUROR: No.

5 THE COURT: The defendant, Mr. Chalue, has an absolute
6 right to remain silent. If he exercises that right and does
7 not testify at this trial, would you hold that against him?

8 THE JUROR: No.

9 THE COURT: Would you tend to believe or disbelieve the
10 testimony of a police officer over the testimony of other
11 witnesses?

12 THE JUROR: No, sir.

13 THE COURT: The evidence in this case may include
14 photographs or other descriptions of the victims' bodies
15 which were dismembered. If you were to hear such evidence,
16 would that prevent you from acting as a fair and impartial
17 juror?

18 THE JUROR: No.

19 THE COURT: Can you think of any reason why you would
20 not be fair and impartial if you were selected?

21 THE JUROR: No.

22 THE COURT: Thank you, Mr. Brown. I'm going to ask you
23 to stand in the hallway for just a minute.

24 (The juror exited.)

25 THE COURT: I find him to be indifferent.

1 MR. CAPELESS: Commonwealth is content with this juror,
2 Your Honor.

3 THE COURT: Mr. Frank?

4 MR. FRANK: Judge, I see that he has witnessed an
5 attempted abduction, sexual assault; answered in the
6 negative to several questions that came near that. I'm
7 asking that he be questioned specifically --

8 THE COURT: Can we bring Mr. Brown back in.

9 MR. FRANK: -- about that and also his current or last
10 employer -- he is retired -- if he can give us that.

11 (The juror entered.)

12 THE COURT: Mr. Brown, I had a couple follow-up
13 questions about your biographical form. First, were you
14 previously employed in some capacity? You don't list
15 anything regarding your employer.

16 THE JUROR: No. I'm retired.

17 THE COURT: Okay. So my question is what did you do
18 when you were working?

19 THE JUROR: I had various jobs over time; my most
20 recent job, I was a machine operator at STR in Enfield.

21 THE COURT: All right. You have also mentioned on your
22 form that you witnessed an attempted abduction or sexual
23 assault.

24 THE JUROR: I didn't actually witness the abduction or
25 assault; I was with the witness to the defendant leaving the

1 parking lot where this occurred.

2 THE COURT: How long ago was that?

3 THE JUROR: It was, like, 2001, 2002.

4 THE COURT: Were you called to testify?

5 THE JUROR: Yes.

6 THE COURT: All right. Was there anything about that
7 experience as a witness that you think might interfere with
8 your ability to act as a fair and impartial juror in this
9 case?

10 THE JUROR: No.

11 THE COURT: Thank you.

12 If you could step out in the hallway, please.

13 (The juror exited.)

14 THE COURT: I find him indifferent.

15 MR. CAPELESS: Commonwealth remains content, Your
16 Honor.

17 THE COURT: Mr. Frank?

18 MR. FRANK: Challenge, please.

19 THE COURT: All right.

20 (The juror entered.)

21 THE COURT: Mr. Brown, thank you for your service.
22 You are excused.

23 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 14

24 COURT OFFICER: Juror Number 14.

25 THE COURT: Ms. Santiago, good morning.

1 THE JUROR: Good morning, sir.

2 THE COURT: Did you get a chance to look at that list
3 of witnesses?

4 THE JUROR: Yes, sir.

5 THE COURT: Did you recognize any names?

6 THE JUROR: I did, sir.

7 THE COURT: Who did you recognize?

8 THE JUROR: Jessica Athas who works for the Department
9 of Corrections.

10 THE COURT: All right. Assuming for the moment that
11 Ms. Athas testifies in this case, based on your
12 relationship, would you tend to treat her testimony
13 differently than you might other witnesses?

14 THE JUROR: No, sir.

15 THE COURT: What is the nature of your relationship
16 with her?

17 THE JUROR: My family works for the Department of
18 Corrections so just, you know, more of an acquaintance.

19 THE COURT: And you have listed parents and a sister,
20 are those the relatives that work for the Department of
21 Corrections?

22 THE JUROR: Yes, sir. My sister works for Chicopee
23 Police Department. However, my stepfather and my aunts work
24 for the Department of Corrections.

25 THE COURT: Is there anything about those relationships

1 or their lines of work that you think might cause you to
2 favor one side over the other in this case?

3 THE JUROR: Not at all, sir.

4 THE COURT: We anticipate this case will last
5 approximately four weeks, proceeding from 9:30 in the
6 morning until 4:00 in the afternoon. Bearing in mind that
7 schedule, the importance of this case, and our need for good
8 jurors like you, are you available to help us?

9 THE JUROR: I could be, sir.

10 THE COURT: All right. Have you or any member of your
11 family ever been the victim of a crime of violence?

12 THE JUROR: No, sir.

13 THE COURT: Other than the family members that you
14 referred to in law enforcement, did you respond to any of my
15 other questions?

16 THE JUROR: I did.

17 THE COURT: Which questions?

18 THE JUROR: I apologize. Just that one.

19 THE COURT: Let me ask you, have you seen or heard
20 anything about this case or discussed it with anyone, either
21 before today or while you have been waiting here today?

22 THE JUROR: I read about it, sir.

23 THE COURT: In newspaper reports?

24 THE JUROR: Yes, sir.

25 THE COURT: When was the last report that you recall

1 reading, roughly?

2 THE JUROR: A few weeks back.

3 THE COURT: All right. And do you recall the contents?

4 THE JUROR: Just on Masslive. It was a quick little
5 synopsis; nothing more detailed than what I heard this
6 morning.

7 THE COURT: All right. Was there anything about what
8 you read in that report that you think might prevent you
9 from being a fair and impartial juror?

10 THE JUROR: Not at all, sir.

11 THE COURT: I see also on your biographical form there
12 was reference to a past arrest. Was that you or someone
13 else in your family?

14 THE JUROR: Myself, sir.

15 THE COURT: Approximately how long ago?

16 THE JUROR: Approximately six years ago.

17 THE COURT: Was there a criminal prosecution?

18 THE JUROR: No, sir.

19 THE COURT: Was there anything about that experience
20 you think might cause you to favor one side over the other
21 in this case?

22 THE JUROR: Not at all.

23 THE COURT: Would you believe or tend to believe, or
24 disbelieve, the testimony of a police officer simply because
25 that witness is employed as a police officer?

1 THE JUROR: Not at all.

2 THE COURT: There may be evidence that one of the
3 co-defendants, Mr. Hall, had some affiliation with the Hells
4 Angels Motorcycle Club and this defendant, Mr. Chalue, had
5 some affiliation with the Aryan Brotherhood. If you were to
6 hear such evidence, would that evidence prevent you from
7 acting fairly and impartially?

8 THE JUROR: No, sir.

9 THE COURT: There will be evidence that one of the
10 victims in this case, Robert Chadwell, was African American.
11 The defendant is Caucasian. Would those facts interfere
12 with your ability to be fair and impartial?

13 THE JUROR: No, sir.

14 THE COURT: There may also be evidence that the bodies
15 of the victims in this case were dismembered, and the jurors
16 may be exposed to graphic photographs regarding the bodies.
17 If you were to see and hear such evidence, would that
18 prevent you from acting as a fair and impartial juror?

19 THE JUROR: No, sir.

20 THE COURT: The defendant, Mr. Chalue, has a right to
21 remain silent. If he exercises that right and does not
22 testify, would you hold that against him in any way?

23 THE JUROR: No, sir.

24 THE COURT: Is there any other reason, whether I have
25 asked about it or not, why you think you could not be fair

1 if selected as a juror?

2 THE JUROR: Absolutely not.

3 THE COURT: All right. Thank you.

4 I'm going to ask you to step into the hallway for just
5 a moment.

6 THE JUROR: Okay, sir.

7 (The juror exited.)

8 THE COURT: Find her indifferent.

9 MR. CAPELESS: Judge, you did inquire about her
10 mentioning her prior arrest. But she also puts the word
11 "bogus" with an explanation point after that.

12 I would ask that you inquire why she put that and what
13 she meant.

14 THE COURT: Are you telling me that her response to
15 that question might have some bearing on whether or not you
16 exercise a challenge?

17 MR. CAPELESS: Yes, Your Honor.

18 (The juror was present.)

19 THE COURT: Ms. Santiago, I just want to ask a
20 follow-up question regarding that prior arrest which you
21 describe on your form as bogus. Can you articulate your use
22 of that term?

23 THE JUROR: On more than a few occasions, I hear the
24 term "fair and impartial." I don't think I was treated
25 fairly and impartially at all, and I believe that's part of

1 the justice system.

2 THE COURT: All right. Well, as I'm sure you are
3 aware, there are times when people are unfairly accused.
4 Does the fact that you believe you were unfairly accused
5 affect the way that you might view the evidence in this
6 case?

7 THE JUROR: Not at all.

8 THE COURT: Thank you.

9 You may step back into the hall.

10 (The juror exited.)

11 THE COURT: I find her indifferent.

12 MR. CAPELESS: The Commonwealth challenges the juror,
13 Your Honor.

14 (The juror entered.)

15 THE COURT: Ms. Santiago, you are excused.

16 Thank you for your service.

17 THE JUROR: Thank you.

18 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 15

19 COURT OFFICER: Juror Number 15.

20 THE COURT: Ms. Robison, good morning.

21 THE JUROR: Good morning.

22 THE COURT: Did you recognize any of the names on that
23 list of potential witnesses?

24 THE JUROR: No, I did not.

25 THE COURT: We anticipate the trial of this case will

1 last approximately four weeks, proceeding each day from 9:30
2 until 4:00 in the afternoon. Bearing in mind that schedule,
3 the importance of this case, and our need for good jurors
4 like you, are you available to help us?

5 THE JUROR: I guess.

6 THE COURT: All right. Again, I understand that it
7 would be inconvenient, perhaps, and the question is would it
8 pose a substantial hardship to you?

9 THE JUROR: No.

10 THE COURT: Have you seen or heard anything about this
11 case in the media, either today, before today, or have you
12 discussed it with anyone?

13 THE JUROR: I do remember hearing about it when it
14 happened, and actually, my husband mentioned it last night,
15 seeing it on the news.

16 THE COURT: In connection with your upcoming jury
17 service?

18 THE JUROR: No. Actually that it came on the news.

19 THE COURT: All right. Was there anything about what
20 you heard earlier or observed in the media report or your
21 discussion with your husband that you think might prevent
22 you from acting as a fair and impartial juror?

23 THE JUROR: No.

24 THE COURT: Have you or any member of your family ever
25 been the victim of a crime of violence?

1 THE JUROR: No.

2 THE COURT: Did you respond to any of my earlier
3 questions by raising your card?

4 THE JUROR: Yes. I'm trying to remember. I guess just
5 that I heard about it.

6 THE COURT: All right. All right. And you have
7 already responded to the question as to whether or not that
8 would have any effect on your ability to be fair, and your
9 answer was no, correct?

10 THE JUROR: Correct.

11 THE COURT: I see also that you have had some
12 experience with the criminal justice system, first as a
13 juror. Was that you that sat on a jury?

14 THE JUROR: No. My son sat on a jury.

15 THE COURT: Have you discussed that with him?

16 THE JUROR: No.

17 THE COURT: And there's also reference to an arrest.
18 Was that you or someone else in your family?

19 THE JUROR: Someone else in the family.

20 THE COURT: And I don't mean to pry, was that a member
21 of your immediate family?

22 THE JUROR: Yes. My son was arrested for a DUI.

23 THE COURT: All right. And was there anything about
24 that experience that you shared with your son that you think
25 might cause you to favor one side over the other in this

1 case?

2 THE JUROR: Well, we're still in the midst of that
3 because it has been delayed and delayed.

4 THE COURT: All right.

5 THE JUROR: So I don't know, I guess, to answer your
6 question, not specific to that.

7 THE COURT: All right. Well, let me ask more
8 generally, is there anything that you think, based on what
9 you now know about this case, that might prevent you from
10 being a fair and impartial juror?

11 THE JUROR: Not about the case so much, but I do want
12 to say that I have been sitting with my stepson in the
13 courtroom many days over the past year and have heard -- and
14 I had to testify, and they turned things around totally from
15 what I said. I'm a little angry at the court system right
16 now.

17 THE COURT: All right. Well, of course, if you were
18 selected as a juror, you would have the ability to
19 independently judge the facts of this case, and, together
20 with your co-jurors, make decisions about what the facts are
21 and participate in the same system that you found to be --
22 well, that caused you some anger.

23 THE JUROR: Uh-huh.

24 THE COURT: Let me ask you this: Is your experience
25 and the anger that you just expressed such that you think it

1 would interfere with your ability to be a fair and impartial
2 juror in this case?

3 THE JUROR: I do at this point.

4 THE COURT: You are excused.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 17

6 COURT OFFICER: Juror Number 17.

7 THE COURT: Ms. Nowacki, good morning.

8 THE JUROR: Hi. Good morning.

9 THE COURT: Did you recognize any names on that list of
10 witnesses?

11 THE JUROR: No, I did not.

12 THE COURT: We expect this case will take us
13 approximately four weeks to complete, proceeding each day
14 from 9:30 in the morning until roughly 4:00 in the
15 afternoon. Bearing in mind that schedule, the importance of
16 this case, and our need for good jurors like you, are you
17 available to help us?

18 THE JUROR: Yes.

19 THE COURT: Have you or any member of your family ever
20 been accused or a victim of a crime of violence?

21 THE JUROR: I had a restraining order, based on my
22 ex-husband, approximately around eight years ago.

23 THE COURT: And that was an order that you sought as
24 the victim?

25 THE JUROR: Right.

1 THE COURT: And was there anything about that
2 experience -- that is, being the victim in that case and
3 seeking a restraining order -- that you think might
4 interfere with your ability to be a fair and impartial juror
5 in this case?

6 THE JUROR: No.

7 THE COURT: Did you respond to any of my earlier
8 questions by raising your card?

9 THE JUROR: No, I did not.

10 THE COURT: Have you seen or heard anything about this
11 case in the media or have you discussed it with anyone,
12 either before today or since you have been here today?

13 THE JUROR: No, I have not.

14 THE COURT: Would you tend to believe or disbelieve the
15 testimony of a police officer simply because he or she is a
16 police officer?

17 THE JUROR: No.

18 THE COURT: There may be evidence in this case that one
19 of the co-defendants, Mr. Hall, had some affiliation with
20 the Hells Angels Motorcycle Club, and that this defendant,
21 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
22 Would that evidence prevent you from being a fair and
23 impartial juror?

24 THE JUROR: I don't know anybody with that, so I have
25 no way.

1 THE COURT: All right. Well, again, I understand you
2 don't know anybody that is so affiliated, but the question
3 is would hearing that evidence interfere with your ability
4 to be a fair and impartial juror?

5 THE JUROR: It would not interfere.

6 THE COURT: All right. Thank you.

7 Robert Chadwell, one of the victims in this case, was
8 African American. Mr. Chalue is Caucasian. Would those
9 facts interfere with your ability to be a fair and impartial
10 juror?

11 THE JUROR: It will not interfere.

12 THE COURT: There will be evidence in this case that
13 the bodies of the victims were dismembered and the jury may
14 see graphic photographs. If you were to see and hear such
15 evidence, would that evidence prevent you from being a fair
16 and impartial juror?

17 THE JUROR: That wouldn't.

18 THE COURT: The defendant, Mr. Chalue, has an absolute
19 right to remain silent. If he exercises that right and
20 chooses not to testify at this trial, would you hold that
21 against him in any way?

22 THE JUROR: No, I would not.

23 THE COURT: Is there any other reason, whether I have
24 asked about it or not, why you think you would not be a fair
25 and impartial juror if you were selected?

1 THE JUROR: No.

2 THE COURT: All right. Thank you, Ms. Nowacki.

3 If you could step in the hallway for just a minute.

4 (The juror exited.)

5 THE COURT: I find her indifferent.

6 MR. CAPELESS: The Commonwealth is content with this
7 juror, Your Honor.

8 MR. FRANK: Defense is content.

9 THE COURT: Very well.

10 (The juror entered.)

11 THE COURT: Ms. Nowacki, you have been selected to sit
12 as a juror in this case. You are going to be in seat number
13 eleven. We're actually not going to start the trial -- we
14 began the process yesterday. We're actually going to begin
15 the trial on Friday.

16 So in a moment, I'm going to excuse you and ask you to
17 return on Friday morning at 9:30. The Court Officers will
18 show you where to report, but it's important I give you
19 these instructions before you leave here today.

20 Please do not discuss the case with anyone except the
21 fact that you have been selected to sit as a juror in a
22 criminal case. Beyond that, I ask that you say no more. Do
23 not observe any media reports of the case, if there are any.
24 And please do not make any effort to independently
25 investigate the case in any way. And don't communicate with

1 anyone by way of Facebook or other posting announcing that
2 you are a juror.

3 With that, Ms. Nowacki, you are excused, and I will see
4 you Friday morning at 9:30.

5 THE JUROR: Okay. Thank you.

6 THE COURT: Thank you.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 18

8 THE COURT: Mr. Brower, good morning.

9 THE JUROR: Good morning.

10 THE COURT: Do I have the name correct, Mr. Brower?

11 THE JUROR: Yes.

12 THE COURT: Did you recognize any names on that list of
13 witnesses?

14 THE JUROR: Yes.

15 THE COURT: Who did you recognize?

16 THE JUROR: Richard Williams.

17 THE COURT: How do you know Mr. Williams?

18 THE JUROR: He's a friend and I coach with him.

19 THE COURT: If Mr. Williams were to testify in this
20 case -- well, let me ask you this: Where does the
21 Mr. Williams that you are friends with live?

22 THE JUROR: Is that his exact address?

23 THE COURT: I want to make sure -- Richard Williams is
24 a common name. I am trying to figure out if this Richard
25 Williams is the same one.

1 THE JUROR: It is Springfield, Massachusetts. You want
2 me to tell you his exact address? 43 Pearson Drive, I
3 believe.

4 THE COURT: All right.

5 Mr. Capeless, is it the same Richard Williams?

6 MR. FRANK: It is very likely the same.

7 THE COURT: All right. Well, let me ask you this,
8 Mr. Brower: If this witness -- actually, Mr. Williams -- is
9 called to testify in this case, based on your relationship
10 with him, would you tend to treat his testimony differently
11 than you would the testimony of other witnesses?

12 THE JUROR: I think it would affect my ability to be
13 fair.

14 THE COURT: You are excused.

15 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 19

16 COURT OFFICER: Juror Number 19.

17 THE COURT: Ms. Brunelle, good morning.

18 THE JUROR: Good morning.

19 THE COURT: Did you recognize any names on that list of
20 witnesses?

21 THE JUROR: No.

22 THE COURT: We anticipate the trial of this case will
23 last approximately four weeks, proceeding from 9:30 in the
24 morning until 4:00 in the afternoon on most days. Bearing
25 in mind that schedule, the importance of this case, and our

1 need for good jurors like you, are you available to help us?

2 THE JUROR: I am the legal guardian of a five-year-old,
3 of my granddaughter, and I don't have any other family
4 nearby, so I am responsible for her care. She's in school
5 during the day, but I am responsible for her before and
6 after school. The hours are going to be a problem. My
7 husband and I own our own business. It's not like he can
8 step out of it to assist with the day care.

9 THE COURT: All right. So as a result, would that pose
10 family or economic hardship for you?

11 THE JUROR: Both.

12 THE COURT: You are excused.

13 THE JUROR: Thank you.

14 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 20

15 COURT OFFICER: Juror Number 20.

16 THE COURT: Good morning, sir. Is it Mr. Laux?

17 THE JUROR: Laux.

18 THE COURT: Mr. Laux, did you recognize any names on
19 that list of witnesses?

20 THE JUROR: No, I did not.

21 THE COURT: We anticipate the trial of this case will
22 last approximately four weeks, proceeding each day from 9:30
23 until 4:00, roughly. Based on that schedule, the importance
24 of this case, and our need for good jurors like you, are you
25 available to help us?

1 THE JUROR: Yes.

2 THE COURT: Have you seen or heard anything about this
3 case in any media reports or have you discussed it with
4 anyone?

5 THE JUROR: I believe I've seen it on channel 40 and
6 Masslive.com.

7 THE COURT: All right. Can you tell us, roughly, how
8 long ago it was that you observed those reports?

9 THE JUROR: It didn't seem that long ago, because I can
10 still remember the names. I'm not sure. Maybe a week or
11 two.

12 THE COURT: Do you remember anything about the content
13 of the report?

14 THE JUROR: Pretty much what you said during the --

15 THE COURT: In the opening here?

16 THE JUROR: Yes.

17 THE COURT: That is the nature of the charges?

18 THE JUROR: Correct. Correct.

19 THE COURT: And was there anything about the media
20 reports that you have observed that you think might prevent
21 you from acting as a fair and impartial juror?

22 THE JUROR: No.

23 THE COURT: Have you discussed the case with anyone
24 aside from those media reports?

25 THE JUROR: Just members of the family.

1 THE COURT: Members of your family?

2 THE JUROR: Yeah.

3 THE COURT: Was there anything about those discussions
4 you think might affect your ability to be a fair and
5 impartial juror?

6 THE JUROR: No.

7 THE COURT: Have you or any member of your family ever
8 been the victim of a crime of violence?

9 THE JUROR: No.

10 THE COURT: Did you respond to any of my earlier
11 questions by raising your card?

12 THE JUROR: The one about hearing.

13 THE COURT: Knowing?

14 THE JUROR: Yeah, seeing or hearing it.

15 THE COURT: Was that the only one?

16 THE JUROR: That was the only one.

17 THE COURT: All right. Would you tend to believe or
18 disbelieve the testimony of a police officer simply because
19 he or she is a police officer?

20 THE JUROR: No.

21 THE COURT: There may be evidence in this case that one
22 of the co-defendants, Mr. Adam Leo Hall, had some
23 affiliation with the Hells Angels Motorcycle Club, and
24 Mr. Chalue, the defendant in this case, had some affiliation
25 with the Aryan Brotherhood. If you were to hear such

1 evidence, would that prevent you from acting fairly and
2 impartially?

3 THE JUROR: Most likely not.

4 THE COURT: All right. Are you confident of that? You
5 said "most-likely not."

6 THE JUROR: I don't see a reason why it would.

7 THE COURT: All right. Well, let me ask you this, one
8 of the reasons, I will be instructing all of the selected
9 jurors that they cannot consider that evidence as evidence
10 of the defendant's character.

11 Do you think you could follow that instruction?

12 THE JUROR: Yes.

13 THE COURT: Mr. Chalue has a right to remain silent.
14 If he exercised that right in this trial and does not
15 testify, would you hold that against him?

16 THE JUROR: No.

17 THE COURT: One of the victims in this case, Robert
18 Chadwell, was African American. Mr. Chalue is Caucasian.
19 Would those facts prevent you from acting fairly and
20 impartially?

21 THE JUROR: No.

22 THE COURT: There may be evidence in this case that the
23 victims' bodies were dismembered. If you were to hear such
24 evidence or see photographs of that evidence, would that
25 evidence prevent you from being a fair and impartial juror?

1 THE JUROR: No.

2 THE COURT: Can you think of any reason, whether I have
3 asked about it or not, why you would not be fair and
4 impartial if selected?

5 THE JUROR: No. I could be fair and impartial.

6 THE COURT: All right. Thank you.

7 I am going to ask you to step in the hallway, please.

8 (The juror exited.)

9 THE COURT: I find him indifferent.

10 MR. CAPELESS: The Commonwealth is content with this
11 juror, Your Honor.

12 MR. FRANK: Challenge, please.

13 THE COURT: All right.

14 (The juror entered.)

15 THE COURT: Mr. Laux, thank you for your service.

16 You have been excused.

17 THE JUROR: Thank you.

18 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 21

19 COURT OFFICER: Juror Number 21.

20 THE COURT: Good morning. Is it Mr. Stamm?

21 THE JUROR: Yup.

22 THE COURT: Mr. Stamm, did you recognize any names on
23 that list of witnesses?

24 THE JUROR: No, sir.

25 THE COURT: All right. I see you are a junior in

1 college?

2 THE JUROR: Yup.

3 THE COURT: Are you missing class today?

4 THE JUROR: No. I don't have classes on Wednesdays.

5 THE COURT: All right. The semester continues, though;
6 is that correct?

7 THE JUROR: Uh-huh.

8 THE COURT: If you were selected to sit on a jury that
9 starts Friday and lasts for four weeks, would that pose an
10 academic hardship for you?

11 THE JUROR: I would have -- I have finals during that,
12 yes.

13 THE COURT: Missing those finals, I assume, would be
14 problematic?

15 THE JUROR: Yes.

16 THE COURT: You are excused.

17 THE JUROR: Thank you.

18 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 22

19 COURT OFFICER: Juror Number 22.

20 THE COURT: Good morning, sir.

21 THE JUROR: Good morning.

22 THE COURT: Is it Mr. Thieme?

23 THE JUROR: Thieme.

24 THE COURT: Mr. Thieme, did you recognize any names on
25 that list of witnesses?

1 THE JUROR: Yeah, I seen one.

2 THE COURT: What name?

3 THE JUROR: Michael Carriveau.

4 THE COURT: Let's -- how do you know that person?

5 THE JUROR: I used to work with him.

6 THE COURT: Were you friendly with that person?

7 THE JUROR: Yeah, I was friends with him.

8 THE COURT: Let's assume for the moment that he
9 testifies. Do you think, based on your relationship with
10 him, you would tend to treat his testimony differently than
11 that of other witnesses?

12 THE JUROR: No, I wouldn't.

13 THE COURT: All right. You think you could treat his
14 testimony in the same fair and impartial way that I will
15 instruct you to treat all witnesses?

16 THE JUROR: Yes, I think so.

17 THE COURT: Have you seen or heard anything about this
18 case in the media?

19 THE JUROR: No, I haven't, Your Honor.

20 THE COURT: Have you discussed it with anyone?

21 THE JUROR: No.

22 THE COURT: Have you or any member of your family ever
23 been the victim of a crime of violence?

24 THE JUROR: No.

25 THE COURT: We expect the trial of this case will last

1 approximately four weeks, proceeding from 9:30 in the
2 morning until 4:00 each day. Bearing in mind that schedule,
3 the importance of this case, and our need for good jurors
4 like you, are you available to help us?

5 THE JUROR: That's probably -- the inconvenience. It
6 will be too long probably.

7 THE COURT: I understand it will be inconvenient. The
8 question is whether or not it would pose some sort of
9 substantial hardship to you that would be different than the
10 inconvenience it would pose to all jurors.

11 Can you think of one?

12 THE JUROR: What was that, Your Honor? I'm sorry.

13 THE COURT: Well, do you believe that participating in
14 this trial for four weeks would be a substantial hardship?

15 THE JUROR: Yes.

16 THE COURT: All right. And why do you think that?

17 THE JUROR: I don't know. It just --

18 THE COURT: I see that you are a temporary employee at
19 Yankee Candle.

20 THE JUROR: I used to be. I got laid off from there.

21 THE COURT: So you're not working now?

22 THE JUROR: No, I'm not.

23 THE COURT: So it wouldn't be your job that causes you
24 any concern?

25 THE JUROR: No.

1 THE COURT: Just the other things that you would be
2 doing day-to-day?

3 THE JUROR: My family and everything like that.

4 THE COURT: All right. Well, let me ask you this -- or
5 tell you this: There may be evidence in this case that one
6 of the co-defendants, Mr. Hall, had some affiliation with
7 the Hells Angels Motorcycle Club and that this defendant,
8 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
9 If you were to hear such evidence, would that prevent you
10 from being a fair juror?

11 THE JUROR: Would that bother me from being a fair
12 juror?

13 THE COURT: Would it prevent you from being fair and
14 impartial?

15 THE JUROR: No.

16 THE COURT: Would you tend to believe or disbelieve the
17 testimony of a police officer simply because that witness is
18 employed as a police officer?

19 THE JUROR: No, that wouldn't.

20 THE COURT: All right. One of the victims in this
21 case, Robert Chadwell, was African American. The defendant,
22 Mr. Chalue, is Caucasian. Would those facts prevent you
23 from being fair and impartial?

24 THE JUROR: No. That has nothing to do with it.

25 THE COURT: All right. There may be evidence presented

1 in this case that the bodies of the victims were dismembered
2 and you may be exposed to photographic evidence that some
3 people might consider graphic in nature. If you were to see
4 and hear such evidence, would that interfere with your
5 ability to be a fair and impartial juror?

6 THE JUROR: No, that wouldn't bother me.

7 THE COURT: As I mentioned earlier, Mr. Chalue has a
8 right to remain silent at this trial. If he exercises that
9 right and does not testify, would you hold that against him
10 in any way?

11 THE JUROR: Yeah, I probably would hold that against
12 him.

13 THE COURT: Thank you. You are excused.

14 THE JUROR: Thank you.

15 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 23

16 COURT OFFICER: Juror Number 23.

17 THE COURT: Ms. Benoit, good morning.

18 THE JUROR: Good morning.

19 THE COURT: Did you recognize any names on that list of
20 witnesses?

21 THE JUROR: Yes, I did.

22 THE COURT: Who did you recognize?

23 THE JUROR: Trooper Christopher Dolan who works with
24 Massachusetts crime.

25 THE COURT: All right. Let's assume that Trooper Dolan

1 testifies. Based on your relationship with Mr. Dolan or
2 your knowledge of him, would you tend to treat his testimony
3 differently than you would the testimony of other witnesses?

4 THE JUROR: Knowing him, knowing his character, I would
5 certainly believe what he says is true.

6 THE COURT: You are excused.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 24

8 COURT OFFICER: Juror Number 24.

9 THE COURT: Ms. Cabrera, good morning.

10 THE JUROR: Good morning.

11 THE COURT: Ms. Cabrera, I see on your biographical
12 form that you have concerns of -- some concerns about your
13 family members?

14 THE JUROR: Yes.

15 THE COURT: Can you tell me what those are?

16 THE JUROR: Actually, my brother was sentenced last
17 Monday, the 14th, and I was coming here, and the way, I
18 think the way the case went through -- so what they say
19 about him, I don't like it.

20 THE COURT: All right. So you think your brother was
21 treated unfairly?

22 THE JUROR: Yes.

23 THE COURT: And do you think that experience that you
24 shared with your brother might affect the way you view the
25 evidence in this case?

1 THE JUROR: Yes, because I was, in my mind, I have four
2 kids. They are on vacation now, and I have a
3 seventeen-year-old daughter taking care with my mother -- I
4 take care of my mom all of the time.

5 THE COURT: Thank you.

6 You are excused.

7 THE JUROR: Thank you.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 26

9 COURT OFFICER: Juror Number 26.

10 THE COURT: Ms. Loney, good morning.

11 THE JUROR: Good morning.

12 THE COURT: Did you recognize any names on that list of
13 witnesses?

14 THE JUROR: No, I did not.

15 THE COURT: I see that you have a number of family
16 members who are involved in various aspects of law
17 enforcement?

18 THE JUROR: Yes.

19 THE COURT: Can you tell us the relationships? I mean,
20 you have categories of employers here, but I am not sure who
21 does what.

22 THE JUROR: A nephew and brother-in-law are attorneys.

23 THE COURT: All right.

24 THE JUROR: The brother-in-law who's an attorney used
25 to be assistant state's attorney in Connecticut.

1 THE COURT: In Connecticut. All right.

2 THE JUROR: I have a nephew who is a lieutenant in a
3 prison in Niantic, Connecticut, who is also working on the
4 FBI task force. I have a nephew who is a detective. I
5 think I covered them all.

6 THE COURT: All right. Thank you.

7 And let me ask you this: Is there anything about your
8 relationships with those individuals or their lines of work,
9 your knowledge of it, that you think might cause you to
10 favor one side over the other in this case?

11 THE JUROR: No.

12 THE COURT: It is likely that there will be many law
13 enforcement officers testifying in this case. Would you
14 believe or tend to believe the testimony of a police officer
15 simply because he or she is employed as police officer?

16 THE JUROR: No.

17 THE COURT: We anticipate the trial of this case will
18 last approximately four weeks, proceeding each day from 9:30
19 until 4:00. Bearing in mind that schedule, the importance
20 of this case, and our need for good jurors like you, are you
21 available to help us?

22 THE JUROR: Is there any way of knowing if it goes
23 longer than four weeks? I am looking at the financial
24 aspect of it.

25 THE COURT: Four weeks is our best estimate. It's

1 always possible that it could be a lot shorter; it could be
2 a little longer. One of the things we can't predict with
3 any accuracy is how long the jury will deliberate once they
4 have the case.

5 With that understanding, do you believe it would cause
6 a substantial hardship to sit as a juror?

7 THE JUROR: It wouldn't if it were, like, four weeks.

8 THE COURT: And if it went beyond four weeks, can you
9 describe the hardship that --

10 THE JUROR: Well, I'm a widow, and I have a substantial
11 mortgage. My husband's life insurance policy was small. He
12 was out of work three years before he got sick, and then so,
13 you know, we got behind in things, but I'm all caught up
14 now. But I just worry if I don't get my full pay, you know,
15 what would happen.

16 THE COURT: You are employed now?

17 THE JUROR: I have a good job, but I work thirty hours
18 a week, but I make a good hourly pay.

19 THE COURT: And your concern is that if you missed your
20 work for the period of time we're discussing, it might be an
21 economic hardship for you?

22 THE JUROR: The four weeks wouldn't, but if it went
23 longer, I do have a little bit in the bank but that's
24 because I dipped into my 401K.

25 THE COURT: Let me ask you a few follow-up questions.

1 Have you or any member of your family ever been a victim of
2 a crime of violence?

3 THE JUROR: No. I'm sorry. Wait. My grandmother.
4 But it was a long time ago, and she was mugged in Hartford,
5 and she was okay. That's it. No trial.

6 THE COURT: Would your knowledge of that experience
7 affect in any way your ability to be fair and impartial in
8 this case?

9 THE JUROR: No.

10 THE COURT: Have you seen or heard anything about this
11 case in the media or have you discussed it with anyone?

12 THE JUROR: No.

13 THE COURT: There may be evidence in this case that one
14 of the co-defendants, Mr. Hall, had some affiliation with
15 the Hells Angels Motorcycle Club, and that the defendant in
16 this action, Mr. Chalue, had some affiliation with the Aryan
17 Brotherhood. If you were to hear such evidence, would that
18 interfere with your ability to be fair and impartial?

19 THE JUROR: I don't think so, no.

20 THE COURT: All right. One of the victims in this
21 case, Robert Chadwell, was African American. Mr. Chalue is
22 Caucasian. Would those facts prevent you from being fair
23 and impartial?

24 THE JUROR: No.

25 THE COURT: Mr. Chalue has a right to remain silent at

1 his trial. If he exercises that right and does not testify,
2 would you hold that against him in any way?

3 THE JUROR: No.

4 THE COURT: There may be evidence in this case that the
5 victims' bodies were dismembered and the jurors may be
6 exposed to graphic photographs of that evidence. If you
7 were to hear and see such evidence, would that prevent you
8 from acting as a fair and impartial juror?

9 THE JUROR: No.

10 THE COURT: Can you think of any other reason, whether
11 I have asked about it or not, why you would not be fair and
12 impartial?

13 THE JUROR: No.

14 THE COURT: Thank you. I'm going to ask you to step
15 out in the hallway for just a moment.

16 (The juror exited.)

17 THE COURT: Find her indifferent.

18 MR. CAPELESS: Commonwealth is content with this juror,
19 Your Honor.

20 MR. FRANK: Judge, I'm concerned, and I suggest cause
21 that she said if it went beyond four weeks, my sense of --
22 in summary of what she said, it would be a -- finances would
23 be a factor if it went beyond four weeks. And that is the
24 scenario we are trying to avoid here. I think she should be
25 excused.

1 THE COURT: And you're making a challenge for cause?

2 MR. FRANK: I am.

3 THE COURT: That is denied.

4 You wish to exercise a peremptory challenge?

5 MR. FRANK: Yes.

6 THE COURT: Okay.

7 (The juror entered.)

8 THE COURT: Ms. Loney, thank you for your service.

9 You have been excused.

10 THE JUROR: Thank you very much.

11 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 28

12 COURT OFFICER: Juror Number 28.

13 THE COURT: Mr. Gagnon, good morning.

14 THE JUROR: Good morning.

15 THE COURT: Did you recognize any names on that witness
16 list?

17 THE JUROR: I'm sure I know a few of them just by first
18 names. I don't usually know people -- I only know last
19 (sic) names.

20 THE COURT: Why are you a -- besides the fact that this
21 is a Berkshire County case, why are you assuming you know
22 someone's --

23 THE JUROR: Well, my son lives in Pittsfield. I know
24 some -- I have been there. I know some people up there.

25 THE COURT: But you didn't recognize any names?

1 THE JUROR: Like I said, not last names. I don't know
2 many people by their last names.

3 THE COURT: Well, one of the follow-up questions was
4 about to be if you know someone that ends up testifying in
5 this case, do you think that you would treat their testimony
6 differently than others, but you can't -- tell me who you
7 know or how well you know them?

8 THE JUROR: No, I can't. Like I said --

9 THE COURT: All right. We anticipate this case will
10 take four weeks to complete, proceeding each day from 9:30
11 until 4:00. Would a trial of that duration pose a
12 substantial hardship for you?

13 THE JUROR: I'm not sure. I don't think so on a
14 personal level. I mean, my day care --

15 THE COURT: You're excused.

16 THE JUROR: Thank you.

17 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 29

18 COURT OFFICER: Juror Number 29.

19 THE COURT: Ms. Engel, good morning.

20 THE JUROR: Good morning.

21 THE COURT: Did you recognize any name on that list of
22 witnesses?

23 THE JUROR: No, I did not.

24 THE COURT: We expect this case will take four weeks to
25 complete, proceeding each day from 9:30 until 4:00, roughly.

1 Bearing in mind that schedule, the importance of this case,
2 and our need for good jurors like you, are you available to
3 help us?

4 THE JUROR: I would be, but I have -- my husband's at
5 home, is seventy-six years old, and he's not healthy, and he
6 can't go out at all. I take him to doctors' appointments,
7 but he doesn't go out at all, only to the doctors. And it
8 would be a little difficult.

9 THE COURT: I take it you are his primary caretaker?

10 THE JUROR: Yes.

11 THE COURT: So if you were absent from the home from
12 9:30 until 4:00 for four weeks, Monday to Friday, would that
13 pose a hardship for you and your husband?

14 THE JUROR: It would, yes.

15 THE COURT: You are excused.

16 THE JUROR: Thank you.

17 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 30

18 COURT OFFICER: Juror Number 30.

19 THE COURT: Mr. Joaquim -- sir --

20 THE JUROR: Good morning.

21 THE COURT: -- I'm having a little difficulty reading
22 your last name.

23 THE JUROR: Pedro.

24 THE COURT: Mr. Pedro?

25 THE JUROR: Yes.

1 THE COURT: Mr. Pedro, did you recognize any names on
2 that list of witnesses?

3 THE JUROR: Yeah. There was a state trooper named
4 Mathurin. He was in the Air Force Reserve with me.

5 THE COURT: And let's assume, for a moment, that that
6 one does testify in this case. Do you think, based on your
7 relationship with him, you would tend to treat his testimony
8 differently than that of other witnesses?

9 THE JUROR: No. I would just listen to whatever the
10 person has to say.

11 THE COURT: All right. We anticipate this case will
12 last approximately four weeks, proceeding each day from 9:30
13 in the morning until 4:00 in the afternoon. Bearing in mind
14 that schedule, the importance of this case, and our need for
15 good jurors like you, are you available to help us?

16 THE JUROR: Yeah.

17 THE COURT: Have you or any member of your family ever
18 been the victim of a crime of violence?

19 THE JUROR: No.

20 THE COURT: Have you seen or heard anything about this
21 case in the media or have you discussed it with anyone?

22 THE JUROR: I have heard of it in the media, yeah.

23 THE COURT: All right. And do you recall how long ago
24 you read or heard a media report?

25 THE JUROR: It's been off and on. I'm not sure the

1 last time.

2 THE COURT: And do you recall whether it was print or
3 broadcast media?

4 THE JUROR: It was broadcast.

5 THE COURT: Do you recall, generally speaking, the
6 contents of the report that you heard?

7 THE JUROR: It was just there was a murder and there
8 was different people, you know, different situations that
9 happened.

10 THE COURT: All right. Was there anything about the
11 contents of the report that you heard that you think might
12 prevent you from being a fair and impartial juror?

13 THE JUROR: No, no.

14 THE COURT: Would you tend to treat the testimony of a
15 police officer differently than the testimony of any other
16 witness simply because he or she is a police officer?

17 THE JUROR: I would look at everything. I just listen,
18 you know.

19 THE COURT: All right. And if I were to instruct you
20 that you should treat the testimony of each witness the
21 same, could you follow that instruction?

22 THE JUROR: Yes.

23 THE COURT: There may be evidence in this case that one
24 of the co-defendants, Mr. Hall, had some affiliation with
25 the Hells Angels Motorcycle Club, and that Mr. Chalue had

1 some affiliation with the Aryan Brotherhood. If you were to
2 hear such evidence, would that evidence prevent you from
3 being a fair and impartial juror?

4 THE JUROR: I would listen to all of the information.

5 THE COURT: I understand that. Let me ask it again a
6 let's suggest -- assuming you would hear it, listening to
7 all of the evidence, would that prevent you from being fair?

8 THE JUROR: No.

9 THE COURT: One of the victims in this case, Robert
10 Chadwell, was African American. Mr. Chalue is Caucasian.
11 Would those facts prevent you from being a fair juror?

12 THE JUROR: No.

13 THE COURT: The defendant, Mr. Chalue, has an absolute
14 right to remain silent. If he exercises that right and does
15 not testify, would you hold that against him in any way?

16 THE JUROR: No.

17 THE COURT: The evidence in this case may include some
18 testimony regarding the fact that the victims' bodies were
19 dismembered, and you may be exposed to some photographs of
20 that evidence. If you were to hear and see such evidence,
21 would that prevent you from being a fair juror?

22 THE JUROR: No, it wouldn't.

23 THE COURT: All right. Can you think of any other
24 reason, whether I've asked about it or not, why you would
25 not be fair if selected?

1 THE JUROR: No.

2 THE COURT: All right. Thank you.

3 I'm going to ask you to step in the hallway -- oh, can
4 I ask you one other question?

5 THE JUROR: Yes, sir.

6 THE COURT: I see that you were on the Department of
7 Defense police. Are you still working in that capacity?

8 THE JUROR: No. I still work for the government but
9 I'm not in that capacity right now.

10 THE COURT: All right. And is there anything about
11 your prior experience in law enforcement that you think
12 might cause you to favor one side over the other?

13 THE JUROR: I just go by the rules, whatever
14 information I get, and I listen, you know.

15 THE COURT: So do I understand, then, that you would
16 not favor one side over the other?

17 THE JUROR: That's correct.

18 THE COURT: All right. Did you raise your card in
19 response to any questions that I asked other than that?

20 THE JUROR: No, I did not.

21 THE COURT: Thank you, Mr. Pedro.

22 (The juror exited.)

23 THE COURT: Find him indifferent.

24 MR. CAPELESS: The Commonwealth is content with this
25 juror, Your Honor.

1 MR. FRANK: Challenge.

2 THE COURT: All right.

3 (The juror entered.)

4 THE COURT: Mr. Pedro, thank you for your service this
5 morning.

6 You have been excused.

7 THE JUROR: All right. Thank you very much.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 31

9 COURT OFFICER: Juror Number 31.

10 THE COURT: Mr. Tyler, good morning.

11 THE JUROR: Hello.

12 THE COURT: Did you recognize any name on that list of
13 witnesses?

14 THE JUROR: No, I didn't.

15 THE COURT: I see from your biographical form that you
16 are or someone in your family was arrested, and you believe
17 they were falsely arrested. Was that you or someone else?

18 THE JUROR: That was me.

19 THE COURT: All right. And did a criminal case
20 actually proceed from that?

21 THE JUROR: It went to trial.

22 THE COURT: All right. Was there some sort of
23 conviction?

24 THE JUROR: No -- well, I got probation violation for
25 being arrested.

1 THE COURT: I don't mean to pry. What was the nature
2 of the charge you got arrested for?

3 THE JUROR: I got pulled over for a breaking and
4 entering, for something I didn't do.

5 THE COURT: Was there anything about that experience
6 that you think might cause you to favor one side over the
7 other in this case?

8 THE JUROR: Honestly, yes. I have a little thing about
9 the S.P.D. right now.

10 THE COURT: You are excused.

11 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 32:

12 COURT OFFICER: Juror Number 32.

13 THE COURT: Is it Ms. Manos?

14 THE JUROR: Yes.

15 THE COURT: Ms. Manos, good morning.

16 THE JUROR: Good morning.

17 THE COURT: Did you -- I'm sorry. Did you have a
18 chance to read that list of witnesses?

19 THE JUROR: I did.

20 THE COURT: Did you recognize any names?

21 THE JUROR: No, I did not.

22 THE COURT: The trial of this case, we anticipate, will
23 last approximately four weeks, proceeding each day from 9:30
24 in the morning until 4:00 in the afternoon. Bearing in mind
25 that schedule, the importance of this case, and our need for

1 good jurors like you, are you available to help us?

2 THE JUROR: Yes.

3 THE COURT: Have you or any member of your family ever
4 been the victim of a crime of violence?

5 THE JUROR: No.

6 THE COURT: Have you ever seen or heard anything about
7 this case in media reports?

8 THE JUROR: Yes.

9 THE COURT: Did you see something today or on a prior
10 occasion?

11 THE JUROR: Prior occasions.

12 THE COURT: Can you estimate for us approximately how
13 long ago it was?

14 THE JUROR: Roughly three years ago.

15 THE COURT: Was it print or broadcast media or both?

16 THE JUROR: Broadcast media.

17 THE COURT: What do you recall, if you recall, hearing
18 on that report?

19 THE JUROR: All I did hear was that three people were
20 murdered and that they were found in Becket, and that's all
21 I heard.

22 THE COURT: And is there anything about the contents of
23 that report that you think might interfere with your ability
24 to be a fair and impartial juror?

25 THE JUROR: No.

1 THE COURT: Have you ever discussed the case with
2 anyone?

3 THE JUROR: No.

4 THE COURT: Would you tend to believe or disbelieve the
5 testimony of a police officer simply because he or she is
6 employed as a police officer?

7 THE JUROR: Disbelieve.

8 THE COURT: I'm sorry?

9 THE JUROR: I would disbelieve -- not believe them just
10 because they are a police officer.

11 THE COURT: You would -- in other words, if any police
12 officer came in the courtroom and testified, you would
13 automatically disbelieve them?

14 THE JUROR: No, not necessarily. I just don't think
15 their opinion is greater than others.

16 THE COURT: Well, let me explore that a little bit.
17 One of the things that I will be instructing the jurors is
18 that they should evaluate the testimony of each witness
19 independently and that they should judge the witnesses'
20 credibility independently. It sounded to me, based on your
21 initial response, as if based on some personal experience,
22 you would tend to disbelieve police officers as a result of
23 their employment. Is that accurate?

24 THE JUROR: I don't know how to explain it. I just
25 come from -- my father is a police officer, and I don't

1 always believe that their decision or what they do is
2 correct.

3 THE COURT: All right. Does your father know that?

4 THE JUROR: Yes. Unfortunately, he doesn't agree
5 but --

6 THE COURT: All right. Well, it sounds to me like you
7 have developed in your life experience some scepticism of
8 police officers as a category of people; is that fair?

9 THE JUROR: Yeah.

10 THE COURT: All right. You are excused.

11 THE JUROR: Thank you.

12 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 33

13 COURT OFFICER: Juror Number 33.

14 THE COURT: Ms. Grimaldi, good morning.

15 THE JUROR: Good morning.

16 THE COURT: Did you recognize any names on that list?

17 THE JUROR: No, I did not.

18 THE COURT: We anticipate the trial of this case will
19 last approximately four weeks, proceeding from 9:30 in the
20 morning until 4:00 each day. Bearing in mind that schedule,
21 the importance of this case, and our need for good jurors
22 like you, are you available to help us?

23 THE JUROR: I'm starting a new job next week. I'm also
24 leaving for North Carolina next Friday for a wedding and an
25 extended vacation. After that, I'm fine but --

1 THE COURT: Well, let me ask you this: It sounds like,
2 on a personal level, you have a lot on your plate in the
3 next several weeks and missing either the vacation or the
4 job, beginning of your job, would pose a hardship for you;
5 is that fair?

6 THE JUROR: Yes.

7 THE COURT: You are excused.

8 THE JUROR: All right. Thank you.

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 34

10 COURT OFFICER: Juror Number 34.

11 THE COURT: Ms. Hillman, good morning.

12 THE JUROR: Hi. Good morning.

13 THE COURT: Did you recognize any names on that list?

14 THE JUROR: No, I didn't.

15 THE COURT: Ms. Hillman, we anticipate that the length
16 of this trial will be approximately four weeks, proceeding
17 from 9:30 in the morning until 4:00 each day. Bearing in
18 mind that schedule, the importance of this case, and our
19 need for good jurors like you, are you available to help us?

20 THE JUROR: No, because my mother is dying. She is in
21 the hospital, and they only gave her one month to live.
22 That's all. So I can't -- can't do it. I need to spend
23 time with my mom.

24 THE COURT: And she's hospitalized now?

25 THE JUROR: She is in the nursing home. They only gave

1 her a month to live.

2 THE COURT: All right. I'm sorry to hear that. I wish
3 you and your mother good luck.

4 You are excused.

5 THE JUROR: Okay. Thank you.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 35

7 COURT OFFICER: Juror Number 35.

8 THE COURT: Good morning. Is it Ms. Donahue?

9 THE JUROR: Yes.

10 THE COURT: Ms. Donahue, did you recognize any names on
11 that list of witnesses?

12 THE JUROR: No, I did not.

13 THE COURT: We anticipate, Ms. Donahue, that this case
14 will take approximately four weeks to complete, proceeding
15 each day from 9:30 in morning until 4:00 in the afternoon.
16 Bearing in mind that schedule and the importance of this
17 case and our need for good jurors like you, are you
18 available to help us?

19 THE JUROR: To be quite honest with you, sir, I'm an
20 office supervisor of a very busy medical practice. For me
21 to be gone for four weeks would be pretty bad, and I have
22 new staff starting on Monday. I'm supposed to train them.

23 THE COURT: Well, let me ask you: Do you think your
24 professional obligations would distract you if you were
25 selected to sit on a jury -- a trial of this duration?

1 THE JUROR: They certainly would.

2 THE COURT: You are excused.

3 THE JUROR: Thank you.

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 37

5 COURT OFFICER: Juror Number 37.

6 THE COURT: Ms. Roberts, good morning.

7 THE JUROR: Good morning.

8 THE COURT: Did you recognize any names on that list?

9 THE JUROR: No.

10 THE COURT: We anticipate the trial of this case will
11 last approximately four weeks, each day proceeding from 9:30
12 until 4:00. Bearing in mind that schedule, the importance
13 of this case, and our need for good jurors like you, are you
14 available to help us?

15 THE JUROR: Not really. I have a two-year-old and a
16 four-year-old. It's hard to find day care.

17 THE COURT: All right. You have listed Noble Hospital
18 as your current employer?

19 THE JUROR: Yes.

20 THE COURT: So are you gone from the house each day?

21 THE JUROR: I just work on the weekends.

22 THE COURT: I see. So during the week, you are the
23 primary caretaker for your children?

24 THE JUROR: Yes.

25 THE COURT: Would it be either a family or economic

1 hardship for you to be absent from the home during the week
2 for four weeks?

3 THE JUROR: It may be a family but even that's hard;
4 even today it was hard to find someone.

5 THE COURT: So you don't know if you would be able to
6 find someone?

7 THE JUROR: Yeah.

8 THE COURT: And you said the ages of your children are
9 two and four?

10 THE JUROR: Yes.

11 THE COURT: You are excused.

12 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 40

13 COURT OFFICER: Juror Number 40.

14 THE COURT: Good morning, ma'am.

15 THE JUROR: Good morning.

16 THE COURT: Did you recognize any names on that list of
17 witnesses?

18 THE JUROR: No.

19 THE COURT: All right. We anticipate the trial of this
20 case will last for four weeks, proceeding each day from 9:30
21 in the morning until 4:00 in the afternoon. Bearing in mind
22 that schedule and the importance of this case and our need
23 for good jurors like you, are you available to help us?

24 THE JUROR: I don't think so.

25 THE COURT: Why is that?

1 THE JUROR: I don't think so, my English good enough to
2 understand exactly.

3 THE COURT: Did you have difficulty understanding my
4 presentation earlier this morning?

5 THE JUROR: Some of the stuff I just get, like, okay.

6 THE COURT: All right. So some of the questions you
7 did not understand?

8 THE JUROR: No, I understand or no, but like I also
9 have four kids at home.

10 THE COURT: Let's stick with the language barrier at
11 first.

12 Are you concerned you might not understand some of the
13 testimony?

14 THE JUROR: Yeah.

15 THE COURT: You are excused.

16 THE JUROR: Thank you.

17 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 41

18 COURT OFFICER: Juror Number 41.

19 THE COURT: Ms. Ballard, good morning.

20 THE JUROR: Good morning.

21 THE COURT: Did you recognize any names on that list of
22 witnesses?

23 THE JUROR: I did not.

24 THE COURT: You are a college sophomore?

25 THE JUROR: Yes.

1 THE COURT: Is your semester ongoing?

2 THE JUROR: Yes.

3 THE COURT: Are you missing -- or let me ask it this
4 way: If you were to get involved in a trial scheduled to
5 last four weeks, would you be missing classes and finals?

6 THE JUROR: Yes.

7 THE COURT: You are excused.

8 THE JUROR: Thank you.

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 42

10 COURT OFFICER: Juror Number 42.

11 THE COURT: Ms. Hill, good morning.

12 THE JUROR: Good morning.

13 THE COURT: Did you recognize any names on that list of
14 witnesses?

15 THE JUROR: Yes. Sergeant Michael Hill. That's my
16 ex-brother-in-law.

17 THE COURT: Your ex-brother-in-law?

18 THE JUROR: Yes.

19 THE COURT: Let's assume for a moment that he testifies
20 in this case. Do you think, based on your relationship with
21 him, you might treat his testimony differently than that of
22 other witnesses?

23 THE JUROR: No. I haven't even seen him in, like,
24 twenty years. I don't really know him.

25 THE COURT: All right. We anticipate the trial of this

1 case will last four weeks, proceeding each day from 9:30 in
2 the morning until 4:00 in the afternoon. Bearing in mind
3 that schedule, the importance of this case, and our need for
4 good jurors like you, are you available to help us?

5 THE JUROR: Yes.

6 THE COURT: All right. Have you or any member of your
7 family ever been the victim of a crime of violence?

8 THE JUROR: No, I don't think so.

9 THE COURT: All right. I see that you have some family
10 members who were arrested and charged. Can you tell us what
11 that family member was charged with?

12 THE JUROR: I am not positive. I believe he was
13 charged with, probably, domestic violence and killing a
14 snake.

15 THE COURT: All right. Is there anything about that
16 experience that you lived through with your brother that you
17 think might cause you to favor one side over the other in
18 this case?

19 THE JUROR: No. I didn't -- didn't go to the court or
20 anything.

21 THE COURT: All right. I see you also sat on a jury
22 six years ago?

23 THE JUROR: Yes.

24 THE COURT: What kind of case was that?

25 THE JUROR: It was a biker gang that beat somebody up

1 for something.

2 THE COURT: Let me ask you a question about that.

3 There will likely be evidence in this case that one of the
4 co-defendants, Mr. Hall, had some affiliation with the Hells
5 Angels Motorcycle Club, and that this defendant, Mr. Chalue,
6 had some affiliation with the Aryan Brotherhood. Based on
7 your life experience, including that prior service as a
8 juror, do you think if you were to hear such evidence, it
9 could prevent you from being a fair and impartial juror?

10 THE JUROR: No.

11 THE COURT: One of the victims in this case, Robert
12 Chadwell, was African American. Mr. Chalue is Caucasian.
13 Would those facts prevent you from being fair and impartial?

14 THE JUROR: No.

15 THE COURT: Mr. Chalue has a right to remain silent in
16 this trial. If he exercises that right and does not
17 testify, would you hold that against him in any way?

18 THE JUROR: No.

19 THE COURT: Let me go back to that jury service for
20 just a moment. Was that case tried here in this building?

21 THE JUROR: Yes.

22 THE COURT: And did the jury reach a verdict in the
23 case?

24 THE JUROR: Yes.

25 THE COURT: What was the verdict?

1 THE JUROR: Guilty.

2 THE COURT: Was there anything about that experience
3 that -- as a juror that you think might affect your ability
4 to be fair in this case?

5 THE JUROR: No.

6 THE COURT: There may be evidence in this case that the
7 victims' bodies were dismembered and photographs may be
8 introduced. Is there anything about that kind of evidence
9 that would prevent you from being a fair and impartial
10 juror?

11 THE JUROR: No.

12 THE COURT: Can you think of any reason, whether I have
13 asked about it or not, why you would not be fair and
14 impartial if selected?

15 THE JUROR: No.

16 THE COURT: Did you raise your card in response to any
17 of my questions that I asked of the entire group?

18 THE JUROR: Yes.

19 THE COURT: And do you remember what the question was?

20 THE JUROR: Yes. One was if you know -- if you're
21 related to anybody in the police force.

22 THE COURT: Yes.

23 THE JUROR: My sister is also a police officer.

24 THE COURT: Your sister is?

25 THE JUROR: Yeah.

1 THE COURT: Let me ask again about that.

2 THE JUROR: Go ahead, yup.

3 THE COURT: Is there anything about your sister's line
4 of work or your relationship with her that you think might
5 cause you to favor one side over the other in this case?

6 THE JUROR: No.

7 THE COURT: All right. The next point was?

8 THE JUROR: The other one I just want to let you know
9 I'm a little hard of hearing.

10 THE COURT: All right. Have you been able to hear my
11 questions here? It seems like you have been able to hear
12 me.

13 THE JUROR: Yes.

14 THE COURT: Were you able to hear my presentation
15 earlier?

16 THE JUROR: Yes, except if somebody coughs or
17 something, I won't know what you said.

18 THE COURT: All right. Well, thank you for bringing
19 that to my attention.

20 If you're having difficulty -- first, if you're
21 selected as a juror and you find yourself having difficulty
22 hearing, would you promise me you will raise your hand and
23 let me know?

24 THE JUROR: Yes.

25 THE COURT: All right. Now, finally, have you seen or

1 heard anything about this case in the media reports or have
2 you discussed it with anyone?

3 THE JUROR: No.

4 THE COURT: Thank you.

5 I'm going to ask you to step out for just a minute.

6 THE JUROR: Okay.

7 (The juror exited.)

8 THE COURT: I find her indifferent.

9 MR. CAPELESS: The Commonwealth is content with this
10 juror, Your Honor.

11 MR. FRANK: If -- Your Honor, if I may just have one
12 second.

13 THE COURT: You may.

14 (Off-the-record discussion with defense counsel and the
15 defendant.)

16 THE COURT: Mr. Curtis, just so you know, I'm going to
17 take a break after we deal with this witness (sic).

18 (Pause)

19 MR. FRANK: Challenge.

20 THE COURT: Very well.

21 (The juror entered.)

22 THE COURT: Ms. Hill, thank you for your service this
23 morning.

24 You have been excused?

25 THE JUROR: Oh, okay. Thank you.

1 (The juror exited.)

2 THE COURT: Counsel, we will take a fifteen-minute
3 recess.

4 (The Court exited at 11:29 a.m.)

5 (* * * * *)

6 (The Court entered at 11:46 a.m.)

7 (The defendant was present.)

8 THE COURT: Bring the next juror in, please.

9 (Pause)

10 MR. FRANK: While we are waiting for that juror, if we
11 can confirm the peremptories we have left.

12 THE CLERK: I have the defendant has five remaining and
13 the Commonwealth has seven.

14 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 43

15 COURT OFFICER: Juror Number 43.

16 THE COURT: Mr. Mathes, good morning.

17 THE JUROR: Good morning, sir.

18 THE COURT: Did you recognize any names on that witness
19 list?

20 THE JUROR: No, sir.

21 THE COURT: We anticipate the trial of this case will
22 last four weeks, proceeding each day from 9:30 in the
23 morning until 4:00 in the afternoon. Bearing in mind that
24 schedule, the importance of this case, and our need for good
25 jurors like you, are you available to help us?

1 THE JUROR: Yes, sir.

2 THE COURT: Have you or any member of your family ever
3 been the victim of a crime of violence?

4 THE JUROR: No, sir.

5 THE COURT: Did you raise your card in response to any
6 of my earlier questions today?

7 THE JUROR: No, sir.

8 THE COURT: Have you seen or heard anything about this
9 case in any media reports?

10 THE JUROR: No, sir.

11 THE COURT: Have you ever discussed it with anyone?

12 THE JUROR: No, sir.

13 THE COURT: There may be evidence in this case that
14 Mr. Hall, one of the co-defendant's, had some affiliation
15 with the Hells Angels Motorcycle Club, and this defendant,
16 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
17 If you were to hear such evidence, would that evidence
18 prevent you from being a fair and impartial juror?

19 THE JUROR: No, sir.

20 THE COURT: One of the victims in this case, Robert
21 Chadwell, was an African American. The defendant,
22 Mr. Chalue, is Caucasian. Would that evidence prevent you
23 from being a fair and impartial juror?

24 THE JUROR: No, sir.

25 THE COURT: The defendant, Mr. Chalue, has an absolute

1 right to remain silent. If he exercises that right and does
2 not testify in this trial, would you hold that against him
3 in any way?

4 THE JUROR: No, sir.

5 THE COURT: The evidence in this case may include
6 photographs or testimony regarding the fact that the
7 victims' bodies were dismembered. If you were to see and
8 hear such evidence, would that prevent you from being a fair
9 and impartial juror?

10 THE JUROR: No, sir.

11 THE COURT: Can you think of any reason, whether I
12 asked about it or not, why you would not be fair if selected
13 as a juror in this case?

14 THE JUROR: No, sir.

15 THE COURT: Thank you.

16 If you could step out for just a minute.

17 THE JUROR: Yes, sir.

18 THE COURT: Hold on one minute. Can I ask one more
19 question I forgot?

20 Would you tend to believe or disbelieve the testimony
21 of a police officer simply because he is a police officer?

22 THE JUROR: No, sir.

23 THE COURT: Thank you.

24 (The juror exited.)

25 THE COURT: Find him indifferent.

1 MR. CAPELESS: The Commonwealth challenges this juror,
2 Your Honor.

3 THE COURT: All right.

4 (The juror entered.)

5 THE COURT: Mr. Mathes, thank you for your service.
6 You are excused.

7 THE JUROR: Yes, sir.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 45

9 COURT OFFICER: Juror Number 45.

10 THE COURT: Mr. Wynn, good morning.

11 THE JUROR: Good morning.

12 THE COURT: Did you recognize any names on that list of
13 witnesses?

14 THE JUROR: I did not, Your Honor.

15 THE COURT: All right. We anticipate the trial of this
16 case will last approximately four weeks, each day proceeding
17 from 9:30 in the morning until 4:00 in the afternoon.
18 Bearing in mind that schedule, the importance of this case,
19 and our need for good jurors like you, are you available to
20 help us?

21 THE JUROR: Not including personal or professional
22 matters, you said?

23 THE COURT: Well, if you believe that you have a
24 substantial hardship for some reason, this would be the time
25 to tell me.

1 THE JUROR: Just employment, Your Honor.

2 THE COURT: All right. And you work at Two Rivers
3 Burrito Company?

4 THE JUROR: That's correct.

5 THE COURT: What do you do?

6 THE JUROR: I'm a family business. I help my two
7 brothers run the shop.

8 THE COURT: All right. If you were absent -- what
9 hours do you work?

10 THE JUROR: I work -- usually work 1:00 to close, Your
11 Honor.

12 THE COURT: 1:00 in the afternoon until closing time at
13 night?

14 THE JUROR: Yes, correct.

15 THE COURT: And if you were to miss, for a period of
16 four weeks, Monday through Friday, from 1:00 until 4:00,
17 would that pose a substantial hardship for you?

18 THE JUROR: The business, yes.

19 THE COURT: Would it cause an economic hardship for
20 you?

21 THE JUROR: Yes.

22 THE COURT: You are excused.

23 THE JUROR: Thank you, sir.

24 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 47

25 COURT OFFICER: Juror Number 47.

1 THE COURT: Ms. Sole, good morning -- it is still
2 morning. Good morning.

3 Did you recognize any names on that list of witnesses?

4 THE JUROR: Hi.

5 No. I'm not sure. I don't think so. I noticed one
6 name -- I don't think it's my cousin because it said North
7 Adams -- Jason Lemieux.

8 THE COURT: What was the name?

9 THE JUROR: Jason Lemieux.

10 THE COURT: And your Jason Lemieux, that is your cousin
11 does not live in North Adams?

12 THE JUROR: No. He lives in Meredith or Meriden.

13 THE COURT: I take it, then, you do not recognize any
14 names?

15 THE JUROR: No.

16 THE COURT: We anticipate the trial of this case will
17 last four weeks, proceeding each day from 9:30 in the
18 morning until approximately 4:00 in the afternoon. Bearing
19 in mind that schedule, the importance of this case, and our
20 need for good jurors like you, are you available to help us?

21 THE JUROR: I think it would be difficult for me to do
22 that.

23 THE COURT: Can you tell me why?

24 THE JUROR: I have a couple of things. One is I'm a
25 teacher, school teacher. Next -- we have our MCAS coming up

1 May 5th and 7th. I have to get my kids ready next week. It
2 has to be done by licensed teachers. It will put the school
3 district in a difficult situation. My evaluation is based
4 on my students' success of that test. And then the second
5 thing is I recently just broke my tooth, and I'm going to a
6 specialist in West Hartford for an implant tomorrow at 3:00.

7 THE COURT: All right. Well, we're actually not going
8 to be in session tomorrow, so let me put that aside.

9 But let me ask you this: Do you think that as a result
10 of your professional obligations, if you were selected to
11 sit on the jury, that you would be distracted?

12 THE JUROR: In terms of my other obligations?

13 THE COURT: Yes.

14 THE JUROR: Correct.

15 THE COURT: You are excused.

16 THE JUROR: Thank you.

17 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 48

18 COURT OFFICER: Juror Number 48.

19 THE COURT: Ms. Sanchez, good morning.

20 THE JUROR: Good morning.

21 THE COURT: Did you recognize any names on that list of
22 witnesses?

23 THE JUROR: Yes, sir, several.

24 THE COURT: All right. Can you tell me the names that
25 you recall recognizing?

1 THE JUROR: Sergeant Christopher Sanchez.

2 THE COURT: All right. Is he related to you?

3 THE JUROR: He's my son.

4 Trooper David Sanford who works with my son.

5 THE COURT: All right. Now, let me ask you a question
6 before you even go further. If those witnesses were to
7 testify in this case, do you believe you would be able to
8 treat their testimony in the same way as other witnesses?

9 THE JUROR: No.

10 THE COURT: You are excused.

11 THE JUROR: Thank you.

12 MR. CAPELESS: Your Honor, can I just raise a point
13 because of stipulations we've agreed to.

14 COURT OFFICER: Juror Number 49.

15 THE COURT: Can you hold for just a minute. I'm sorry,
16 sir.

17 We will be with you in just a minute.

18 (The juror exited.)

19 MR. CAPELESS: A number of witnesses will not be
20 testifying, we don't expect, and Trooper Sanchez was one of
21 them.

22 THE COURT: All right. So there may be an issue -- I
23 would just ask if I might inquire who we expect to testify?
24 I have assumed -- without knowing there was a possibility --
25 that everyone on your list might testify. If you can tell

1 me that they will not, then that might ease the burden here,
2 so I will turn to you if that comes up.

3 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 49

4 COURT OFFICER: Juror Number 49.

5 THE COURT: Mr. McCarthy, thank you for your patience.

6 Did you get a chance to look at that list of witnesses?

7 THE JUROR: Yes.

8 THE COURT: Did you recognize any names?

9 THE JUROR: No.

10 THE COURT: The trial of this case we anticipate will
11 last approximately four weeks, proceeding each day from 9:30
12 in the morning until approximately 4:00 with certain
13 exceptions. Bearing in mind that schedule, the importance
14 of this case, and our need for good jurors like you, are you
15 available to help us?

16 THE JUROR: Yes.

17 THE COURT: Have you or any member of your family ever
18 been the victim of a crime of violence?

19 THE JUROR: Yes.

20 THE COURT: Was that you or someone else?

21 THE JUROR: My wife.

22 THE COURT: I don't mean to pry but did a criminal case
23 arise from that?

24 THE JUROR: It was stopped before it got that far.

25 THE COURT: How long ago was it?

1 THE JUROR: It was thirteen years ago.

2 THE COURT: Was there anything about that experience
3 you shared or discussed with your wife that you think might
4 cause you to favor one side over the other in this case?

5 THE JUROR: I do not think so.

6 THE COURT: All right. Have you seen or heard anything
7 about this case in the media or have you discussed it with
8 anyone?

9 THE JUROR: I've seen stuff a long time ago, I think,
10 when it had first occurred because I read Masslive here and
11 there.

12 THE COURT: All right.

13 THE JUROR: But I do not really know.

14 THE COURT: Let me ask you if you recall anything about
15 the contents of the report that you read?

16 THE JUROR: No, I do not.

17 THE COURT: Was there anything about the report that
18 you recall seeing that you think might interfere with your
19 ability to be fair and impartial?

20 THE JUROR: I do not.

21 THE COURT: Would you tend to believe the testimony of
22 a police officer simply because he is employed as a police
23 officer?

24 THE JUROR: No, I do not -- I would not.

25 THE COURT: There may be evidence in this case that

1 Mr. Hall, one of the co-defendants, had some affiliation
2 with the Hells Angels Motorcycle Club, and this defendant,
3 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
4 If you were to hear such evidence, would that evidence
5 prevent you from acting fairly and impartially?

6 THE JUROR: No, it would not.

7 THE COURT: Robert Chadwell, one of the victims in this
8 case, was African American. The defendant is Caucasian.
9 Would those facts prevent you from acting fairly and
10 impartially?

11 THE JUROR: No, it would not.

12 THE COURT: Mr. Chalue has a right to remain silent in
13 this trial. If he exercises that right and does not
14 testify, would you hold that against him in any way?

15 THE JUROR: I would not.

16 THE COURT: There may be evidence in this case that the
17 victims' bodies were dismembered, and the jury may be
18 exposed to photographs of the conditions of the bodies.
19 Would exposure to such evidence prevent you from being a
20 fair juror?

21 THE JUROR: I don't believe so.

22 THE COURT: Can you think of any other reason, whether
23 I asked about it or not, why you would not be fair and
24 impartial?

25 THE JUROR: No, I do not.

1 THE COURT: I see you have a second cousin that is a
2 Springfield Police Officer?

3 THE JUROR: Correct.

4 THE COURT: Is there anything about the nature of his
5 line of work or her line of work or your relationship with
6 your second cousin that you think might cause you to favor
7 one side over the other?

8 THE JUROR: No. It had asked if there was somebody but
9 it's not somebody that I really have interaction with.

10 THE COURT: All right. And you also served on a jury
11 before. Did the jury in that other case reach a verdict?

12 THE JUROR: We did.

13 THE COURT: What was that verdict?

14 THE JUROR: Not guilty.

15 THE COURT: And did you respond by raising your card to
16 any of my earlier questions other than the one relating to
17 law enforcement officers that might be family members?

18 THE JUROR: No.

19 THE COURT: Thank you very much.

20 If I could ask you to step out for just a minute.

21 (The juror exited.)

22 THE COURT: Find him indifferent.

23 MR. CAPELESS: The Commonwealth is content with this
24 juror, Your Honor.

25 MR. FRANK: We have him recorded as having raised his

1 hand for having read, seen, or heard -- discussed the case.

2 THE COURT: Well, I did ask him that question, and he
3 did respond to it.

4 MR. FRANK: He did? If I may have just one moment.

5 (Off-the-record discussion with defense counsel and the
6 defendant.)

7 MR. FRANK: Content.

8 THE COURT: Very well.

9 (The juror entered.)

10 THE COURT: Mr. McCarthy, you have been selected to sit
11 as juror in this case. You're going to be in seat number
12 twelve.

13 THE JUROR: Okay.

14 THE COURT: We are actually not going to begin the
15 trial until Friday, so in a moment, I'm going to excuse you,
16 and the Court Officers will explain when and where to report
17 on Friday.

18 THE JUROR: Okay.

19 THE COURT: But it's important that you understand that
20 between now and Friday, you should not observe any media
21 reports of the case, you should not conduct any independent
22 investigation, including any sort of electronic research
23 regarding the case, and you should not discuss it with
24 anyone except to explain to those that need to know --
25 friends or family members or your employer -- you have been

1 selected to sit on a jury and the anticipated duration.

2 Beyond that, I ask you say no more.

3 THE JUROR: Okay.

4 THE COURT: We will see you Friday morning at 9:30.

5 THE JUROR: Okay.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 50:

7 COURT OFFICER: Juror Number 50.

8 THE COURT: Mr. Gay, good morning.

9 THE JUROR: Good morning, sir.

10 THE COURT: Did you notice or recognize any of the
11 names of potential witnesses?

12 THE JUROR: On the witness list, a couple of names
13 sounded familiar, but I really don't know them.

14 THE COURT: You are not certain?

15 THE JUROR: I'm not certain, correct.

16 THE COURT: Do you recall which names looked familiar?

17 THE JUROR: From the air wing of the Mass. State
18 Police, Jeffrey -- can't remember his last name. I actually
19 had met him a couple of times.

20 THE COURT: Let's just assume for the sake of
21 discussion that that witness is called, do you think, based
22 on your relationship with that witness, you would treat his
23 testimony any differently than you would treat the testimony
24 of any other witness?

25 THE JUROR: No.

1 THE COURT: Was there any other name you recognized?

2 THE JUROR: On the list, no.

3 THE COURT: All right. Well, that would be the only
4 place where you would see -- did you recognize any other
5 names?

6 THE JUROR: I thought you were referring to any of the
7 attorneys or the defendant.

8 THE COURT: All right. Well, that's a fair point.

9 Did you raise your card when I asked that question
10 earlier?

11 THE JUROR: I did, sir.

12 THE COURT: Tell me who you know and how you know him?

13 THE JUROR: Actually, I knew the defendant. I used to
14 work for the Key program back in early '80s. I met David
15 there. Also I'm a police officer in Chicopee. I've run
16 across reports with his name on it. If you want me to get
17 specific, I could, sir.

18 THE COURT: Well, I'm not certain I need you to do
19 that.

20 THE JUROR: Okay.

21 THE COURT: But based on your knowledge of Mr. Chalue
22 and your personal and professional past involvement with
23 him, do you think it would be difficult to be a fair and
24 impartial juror?

25 THE JUROR: Think it might be.

1 THE COURT: Thank you for your honesty.

2 You are excused.

3 THE JUROR: Thank you.

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 51

5 COURT OFFICER: Juror Number 51.

6 THE COURT: Good afternoon. Is it Ms. Milledge?

7 THE JUROR: Milledge.

8 THE COURT: Did you recognize any names on the list of
9 witnesses?

10 THE JUROR: No.

11 THE COURT: We anticipate the trial of this case will
12 last approximately four weeks, proceeding each day from 9:30
13 until 4:00 in the afternoon. Bearing in mind that schedule,
14 the importance of this case, and our need for good jurors
15 like you, are you available to help us?

16 THE JUROR: Yes.

17 THE COURT: Have you or any member of your family ever
18 been the victim of a crime of violence?

19 THE JUROR: No.

20 THE COURT: Have you seen or heard anything about this
21 case in the media or have you discussed it with anyone?

22 THE JUROR: No.

23 THE COURT: Would you tend to believe or disbelieve the
24 testimony of a police officer simply because he or she is a
25 police officer?

1 THE JUROR: No.

2 THE COURT: There may be -- let me ask you this: Did
3 you respond to any of my earlier questions by raising your
4 card?

5 THE JUROR: I didn't.

6 THE COURT: I'm looking at your biographical form and
7 there are some areas that are left blank, so I just want to
8 make certain I understand those.

9 There is a section listed "experience with the law"
10 that says "do you have any such experience, yes or no"? You
11 haven't checked anything, which I assume means you don't
12 have any.

13 THE JUROR: I don't have any, no.

14 THE COURT: All right. Thank you. And there's nothing
15 in the area of your spouse, which I assume means you're not
16 married?

17 THE JUROR: Divorced.

18 THE COURT: Thank you.

19 Can you tell me what type of work your ex-husband was
20 in?

21 THE JUROR: He was a machine operator. I don't
22 remember where.

23 THE COURT: All right. Thank you.

24 There may be evidence in this case that one of the
25 co-defendants, Mr. Hall, had some affiliation with the Hells

1 Angels Motorcycle Club, and that this defendant, Mr. Chalue,
2 had some affiliation with the Aryan Brotherhood. If you
3 were to hear such evidence, would that evidence prevent you
4 from acting fairly and impartially in the case?

5 THE JUROR: I don't think so.

6 THE COURT: One of the victims was African American.
7 Mr. Chalue is Caucasian. If you were to hear such evidence,
8 would that evidence prevent you from being a fair and
9 impartial juror?

10 THE JUROR: No.

11 THE COURT: The defendant, Mr. Chalue, has an absolute
12 right to remain silent in this trial. If he exercises that
13 right and does not testify, would you hold that against him
14 in any way?

15 THE JUROR: No.

16 THE COURT: There may be evidence in this case that the
17 victims' bodies were dismembered, and you may see
18 photographs of that evidence. If you were to see and hear
19 such evidence, would that prevent you from being a fair and
20 impartial juror?

21 THE JUROR: I don't think so.

22 THE COURT: All right. Is there any other reason,
23 whether I have asked about it or not, why you would not be
24 fair and impartial if selected?

25 THE JUROR: No.

1 THE COURT: Thank you, Ms. Milledge.

2 I'm going to ask you to step out in the hallway for
3 just a second.

4 THE JUROR: All right.

5 (The juror exited.)

6 THE COURT: I find her indifferent.

7 MR. CAPELESS: The Commonwealth is content with this
8 juror, Your Honor.

9 MR. FRANK: Content, Your Honor.

10 THE COURT: All right. Very well.

11 (The juror entered.)

12 THE COURT: Mrs. Milledge, you have been selected to
13 sit as a juror in this case. You're going to be in seat
14 number thirteen.

15 Is that correct?

16 THE CLERK: Yes, Your Honor.

17 THE COURT: We're actually not going to start the trial
18 today, so in a minute, I'm going to excuse you and ask you
19 to return on Friday morning at 9:30. The Court Officers
20 will show you where to report.

21 But before I do that, I want to give you some
22 cautionary instructions.

23 First, between now and next Friday -- this coming
24 Friday rather -- please don't discuss the case with anyone.
25 You can certainly explain that you have been selected to sit

1 as juror in a criminal case and the anticipated duration.
2 Beyond that, I order you to say no more.

3 Second, don't conduct any independent investigation
4 about the case in any way, including any sort of electronic
5 research. And third, and finally, please do not observe any
6 media reports of the case, should there be any.

7 With that, Ms. Milledge, you are excused, and I will
8 see you Friday morning at 9:30.

9 THE JUROR: All righty.

10 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 52

11 COURT OFFICER: Juror Number 52.

12 THE COURT: Ms. Bisner, good afternoon.

13 THE JUROR: Hi.

14 THE COURT: Did you recognize any names on that list of
15 witnesses?

16 THE JUROR: Not that I know of.

17 THE COURT: We anticipate, Ms. Bisner, the trial of
18 this case will last approximately four weeks, proceeding
19 each day from 9:30 in the morning until 4:00 in the
20 afternoon. Bearing in mind that schedule, the importance of
21 this case, and our need for good jurors like you, are you
22 available to help us?

23 THE JUROR: The only issue is I'm also a professor at a
24 local college and need to be available for students that are
25 graduating this semester.

1 THE COURT: When you say "be available for students,"
2 what do you mean?

3 THE JUROR: I need to complete the curriculum, grade
4 their homework, do the grading.

5 THE COURT: All right. And how often do you teach?

6 THE JUROR: Once a week.

7 THE COURT: What day?

8 THE JUROR: Tuesdays.

9 THE COURT: All right. What time is the class?

10 THE JUROR: 6:00 p.m.

11 THE COURT: 6:00 p.m.

12 And you reside in West Springfield?

13 THE JUROR: Uh-huh.

14 THE COURT: So if you were -- if you finished
15 responsibilities here in the courthouse by 4:00, you could
16 certainly arrive there in time, correct?

17 THE JUROR: I could.

18 THE COURT: All right. Let me ask you this: Have you
19 or any member of your family ever been the victim of a crime
20 of violence?

21 THE JUROR: I filed a restraining order in the past.

22 THE COURT: All right. I don't mean to pry, but let me
23 simply ask you whether or not that experience, you think,
24 might cause you to favor one side over the other in this
25 case?

1 THE JUROR: No.

2 THE COURT: Have you seen or heard anything about this
3 case in the media?

4 THE JUROR: Yes.

5 THE COURT: Approximately how long ago?

6 THE JUROR: When it happened.

7 THE COURT: In 2011?

8 THE JUROR: Yes.

9 THE COURT: And do you recall the content of the report
10 at all?

11 THE JUROR: Yeah, some of it, yes.

12 THE COURT: All right. And was it anything more than I
13 have described here in the courtroom today?

14 THE JUROR: Yes.

15 THE COURT: Can you tell me what you remember hearing?

16 THE JUROR: I remember, you know, the details of the
17 crime, the association with different various groups.

18 THE COURT: All right. And would the contents of that
19 report that you recall reading or hearing interfere with
20 your ability to be a fair and impartial juror?

21 THE JUROR: Yes.

22 THE COURT: You are excused.

23 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 54

24 COURT OFFICER: Juror Number 54.

25 THE COURT: Good afternoon, ma'am.

1 THE JUROR: Hi.

2 THE COURT: Did you recognize any names on that list of
3 witnesses?

4 THE JUROR: No.

5 THE COURT: We anticipate that the trial of this case
6 will last approximately four weeks, proceeding each day from
7 9:30 in the morning until 4:00 in the afternoon. Bearing in
8 mind that schedule, the importance of this case, and our
9 need for good jurors like you, are you available to help us?

10 THE JUROR: I could.

11 THE COURT: All right. Have you or any member of your
12 family ever been the victim of a crime of violence?

13 THE JUROR: I don't think so -- I was held up at
14 gunpoint once -- twice. It was working in a convenience
15 store.

16 THE COURT: That probably qualifies.

17 THE JUROR: Okay.

18 THE COURT: So let me inquire about that.

19 THE JUROR: Right.

20 THE COURT: Do you recall whether or not a criminal
21 prosecution arose as a result of those incidents?

22 THE JUROR: No. One of them, they never caught. And
23 the other one was really stoned out, and I don't know what
24 happened to it. I was never called.

25 THE COURT: All right. Was there anything about those

1 experiences that you think might cause you to favor one side
2 over the other in this case?

3 THE JUROR: I don't think so. This was a long time ago
4 and I barely remembered it until you -- until you asked.

5 THE COURT: All right.

6 Did you respond to any of my earlier questions by
7 raising your card?

8 THE JUROR: Yes.

9 THE COURT: All right. Do you recall which question
10 you responded to?

11 THE JUROR: One of them was would I accept the
12 testimony of a police officer -- I forget exactly how you
13 phrased it. I said yes, I would.

14 THE COURT: All right. So do you mean by your response
15 that you would tend to believe the testimony of a police
16 officer simply because he or she is a police officer?

17 THE JUROR: Well, yeah. I would think of it as expert
18 witness, like, their training and whatever makes them a good
19 witness.

20 THE COURT: Thank you.

21 You are excused.

22 THE JUROR: Okay.

23 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 56

24 COURT OFFICER: Juror Number 56.

25 THE COURT: Ms. Hunte-Powell, is that correct?

1 THE JUROR: Yes.

2 THE COURT: Good afternoon.

3 THE JUROR: Good afternoon.

4 THE COURT: Did you recognize any names on that list of
5 witnesses?

6 THE JUROR: No.

7 THE COURT: We anticipate that the trial of this case
8 will last approximately four weeks, proceeding each day from
9 9:30 in the morning until 4:00 in the afternoon. Bearing in
10 mind that schedule, the importance of this case, and our
11 need for good jurors like you, are you available to help us?

12 THE JUROR: I don't think so, because I have an
13 appointment to do an operation on my eye, and I am meeting
14 with the surgeon on the 30th which is next Monday.

15 THE COURT: You're scheduled to have an operation on
16 your eye?

17 THE JUROR: Yeah, cataracts.

18 THE COURT: And you have an appointment on the 30th
19 regarding that?

20 THE JUROR: Yes.

21 THE COURT: And do you know yet when the surgery will
22 be?

23 THE JUROR: That's when I will know when the surgery
24 will be, when I go in.

25 THE COURT: And it might be sometime in May, is that

1 possible?

2 THE JUROR: Yes.

3 THE COURT: All right. You are excused.

4 THE JUROR: Thank you.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 57

6 COURT OFFICER: Juror Number 57.

7 THE COURT: Mr. Auclair, good afternoon.

8 THE JUROR: Hi.

9 THE COURT: Did you recognize any names on that list of
10 witnesses?

11 THE JUROR: No, I didn't.

12 THE COURT: We anticipate, Mr. Auclair, that the trial
13 of this case will last approximately four weeks, proceeding
14 each day from 9:30 in the morning until 4:00 in the
15 afternoon, roughly. Bearing in mind that schedule, the
16 importance of this case, and our need for good jurors like
17 you, are you available to help us?

18 THE JUROR: I'm available mentally, but physically,
19 there's no way I could do this.

20 THE COURT: All right. Why don't you tell me why that
21 is?

22 THE JUROR: A couple months back, I got put on
23 disability. I've got -- my back is totally destroyed. I
24 sit for fifteen minutes and then I have to stand for fifteen
25 minutes. The only time I can get away with not moving is

1 when I'm laying down. I got arthritis, bursitis, bulging
2 disc, and on top of it --

3 THE COURT: Let me interrupt with a question. I'm
4 sorry to interrupt.

5 THE JUROR: Can't sit. That's all.

6 THE COURT: And when you do sit for extended periods of
7 time, are you in pain?

8 THE JUROR: Yes. I start spasming. Friday I have my
9 next appointment at the pain clinic.

10 THE COURT: I wish you good luck.

11 You are excused.

12 THE JUROR: Thank you, sir.

13 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 58

14 COURT OFFICER: Juror Number 58.

15 THE COURT: Mr. Peterson, good afternoon.

16 THE JUROR: Good afternoon.

17 THE COURT: Did you recognize any names on that list of
18 witnesses?

19 THE JUROR: I did not, sir.

20 THE COURT: We anticipate the trial of this case will
21 last approximately four weeks, proceeding each day from 9:30
22 in the morning until 4:00 in the afternoon. Bearing in mind
23 that schedule, the importance of this case, and our need for
24 good jurors like you, are you available to help us?

25 THE JUROR: Sure, I guess, yeah.

1 THE COURT: All right. I see that you have a father
2 that is or was a police officer?

3 THE JUROR: Still is currently, yes.

4 THE COURT: All right. And you and your spouse were
5 both employed at Westfield DYS?

6 THE JUROR: Yes.

7 THE COURT: Is there anything about your own personal
8 background or your father's line of work that you think
9 might cause you to favor one side over the other in this
10 case?

11 THE JUROR: No, sir.

12 THE COURT: All right.

13 Did you raise your card in response to any other
14 questions that I asked of the group?

15 THE JUROR: I did not.

16 THE COURT: Do you recall ever hearing or seeing
17 anything about this case in media or discussing it with
18 anyone?

19 THE JUROR: Don't watch the news, sir.

20 THE COURT: I will take that as a no.

21 THE JUROR: As a no.

22 THE COURT: Have you or any family member ever been the
23 victim of a crime of violence?

24 THE JUROR: Not that I'm aware of.

25 THE COURT: The -- one of the co-defendants in this

1 case, Mr. Hall, had some affiliation with the Hells Angels
2 Motorcycle Club, and you may hear evidence about that. This
3 defendant, you may hear evidence, had some affiliation with
4 the Aryan Brotherhood. If you were to hear such evidence,
5 would that prevent you from acting as a fair and impartial
6 juror?

7 THE JUROR: No, sir.

8 THE COURT: One of the victims in this case, Robert
9 Chadwell, was an African American. Mr. Chalue is Caucasian.
10 Would those facts prevent you from acting fairly and
11 impartially?

12 THE JUROR: No, sir.

13 THE COURT: Mr. Chalue has a right to remain silent at
14 his trial, and if he exercises that right at this trial and
15 chooses not to testify, would you hold that against him?

16 THE JUROR: I would not.

17 THE COURT: Would you tend to believe the testimony of
18 a police officer simply because he or she is employed as a
19 police officer?

20 THE JUROR: No.

21 THE COURT: There may be evidence in this case that the
22 victims' bodies were dismembered, and there may be
23 photographic evidence of that. If you were exposed to such
24 evidence, would that prevent you from acting fairly and
25 impartially?

1 THE JUROR: No, sir.

2 THE COURT: Can you think of any reason, whether I
3 asked about it or not, why you would not be fair if chosen?

4 THE JUROR: No, sir.

5 THE COURT: All right. Thank you, Mr. Peterson.

6 I'm going to ask you -- hold on for just a minute.

7 I see that you or someone in your family was previously
8 charged. Was that you or someone else?

9 THE JUROR: That was me.

10 THE COURT: All right. Approximately how long ago?

11 THE JUROR: 2001.

12 THE COURT: All right. I take it -- it's not clear
13 from the form -- was there a conviction in that case?

14 THE JUROR: It was continuation without a finding.

15 THE COURT: All right. And was there anything about
16 that experience that you think might impact your ability to
17 be a fair and impartial juror in this case?

18 THE JUROR: Yes, I do.

19 THE COURT: Tell me a little bit about that.

20 THE JUROR: I was never arrested, never blood-tested,
21 never -- on-site operation under influence, never any of
22 that. I actually received the ticket in the mail a week
23 later.

24 THE COURT: And how is it that you think -- I'm
25 assuming from what -- from what you're saying, you felt that

1 was unfair in the circumstances of your case?

2 THE JUROR: Correct.

3 THE COURT: How is it you think that experience -- let
4 me finish the question.

5 THE JUROR: I'm sorry.

6 THE COURT: How is it you think that experience would
7 impact your ability to be a fair and impartial juror in this
8 case?

9 THE JUROR: It probably wouldn't.

10 THE COURT: All right. So thinking back on my original
11 question --

12 THE JUROR: Right.

13 THE COURT: -- are you confident that that wouldn't
14 affect your ability to be fair in this case?

15 THE JUROR: Yes.

16 THE COURT: All right. Thank you.

17 I'm going to ask you to step out for just a minute.

18 (The juror exited.)

19 THE COURT: I find him indifferent.

20 MR. CAPELESS: Commonwealth challenges this juror, Your
21 Honor.

22 (The juror entered.)

23 THE COURT: Mr. Peterson, thank you for your service.

24 You have been excused.

25 THE JUROR: Thank you.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 59

2 COURT OFFICER: Juror Number 59.

3 THE COURT: Mr. Vazquez, good afternoon.

4 THE JUROR: Good afternoon.

5 THE COURT: Did you recognize any names on that list of
6 witnesses?

7 THE JUROR: No.

8 THE COURT: We anticipate the trial of this case will
9 last approximately four weeks, proceeding each day from 9:30
10 until 4:00. Bearing in mind that schedule, the importance
11 of this case, and our need for good jurors like you, are you
12 available to help us?

13 THE JUROR: Yes. I just got to work.

14 THE COURT: Pardon me?

15 THE JUROR: I just got to work, but yeah.

16 THE COURT: All right. Well, let me ask you this:
17 Have you or any member of your family ever been the victim
18 of a crime of violence?

19 THE JUROR: No.

20 THE COURT: Have you seen or heard anything about this
21 case in the media or have you discussed it with anyone?

22 THE JUROR: Very brief. I've seen it on TV awhile ago.

23 THE COURT: All right. When you say "awhile ago," are
24 you talking days or months or weeks?

25 THE JUROR: Probably months.

1 THE COURT: Do you recall what you saw or heard?

2 THE JUROR: I don't at all.

3 THE COURT: All right. Is there anything about the
4 report that you think might interfere with your ability to
5 be a fair juror in this case?

6 THE JUROR: No.

7 THE COURT: Would you tend to believe the testimony of
8 a police officer simply because he or she is a police
9 officer?

10 THE JUROR: No.

11 THE COURT: There may be evidence in this case that one
12 of the co-defendants, Mr. Hall, had some affiliation with
13 the Hells Angels Motorcycle Club, and that this defendant,
14 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
15 If you were to hear such evidence, would that evidence
16 prevent you from acting fairly and impartially as a juror?

17 THE JUROR: No.

18 THE COURT: One of the victims in this case, Robert
19 Chadwell, was African American. The defendant, Mr. Chalue,
20 is Caucasian. Would those facts prevent you from acting
21 fairly and impartially?

22 THE JUROR: No.

23 THE COURT: Mr. Chalue has a right to remain silent in
24 his trial. If he exercises that right and chooses not to
25 testify, would you hold that against him in any way?

1 THE JUROR: No.

2 THE COURT: There may be evidence in this case that the
3 bodies of the victims were dismembered, and the jury may see
4 evidence of that, including photographs. If you were to see
5 and hear such evidence, would that prevent you from being a
6 fair juror?

7 THE JUROR: No.

8 THE COURT: Can you think of any reason why you would
9 not be fair, whether I asked about it or not?

10 THE JUROR: No.

11 THE COURT: All right. Mr. Vazquez, did you respond to
12 any of my earlier questions by raising your card?

13 THE JUROR: One.

14 THE COURT: All right. Do you remember what that was?

15 THE JUROR: No.

16 THE COURT: Ms. Capeless, perhaps you can help.

17 We will see if we can recall for you.

18 THE CLERK: I have that he had a bias, Your Honor.

19 THE COURT: All right. I asked a question regarding
20 whether or not any of the potential jurors might have a bias
21 or prejudice in favor or against either side. And our
22 records reflect that you answered that question.

23 Do you have a bias against or prejudice against --

24 THE JUROR: Not -- I'm not prejudiced at all.

25 THE COURT: All right. Do you, as you stand here

1 today, do you favor either the prosecution or the defense?

2 THE JUROR: No.

3 THE COURT: And you don't recall answering that
4 question?

5 THE JUROR: No.

6 THE COURT: All right. Thank you.

7 I'm going to ask you to step out in the hallway for
8 just a second.

9 (The juror exited.)

10 THE COURT: Counsel, anything before I make a finding?

11 MR. CAPELESS: Judge, I would -- I do notice that he's
12 a maintenance worker at a housing complex. He mentioned his
13 job. I think you ought to ask him whether this might be a
14 financial hardship for him. I can't imagine he's going to
15 get paid for four weeks while serving on jury service.

16 Secondly, when you asked him about testifying police
17 officer, you only asked if he would tend to believe as
18 opposed to, obviously, disbelieve.

19 THE COURT: All right. Bring him back in.

20 (The juror entered.)

21 THE COURT: Mr. Vazquez, I have two follow-up
22 questions.

23 THE JUROR: Yes.

24 THE COURT: The first has to do with your employment.
25 If you were to serve as a juror for four weeks -- well,

1 first of all, can you tell me what your hours are?

2 THE JUROR: 8:00 to 5:00, Monday through Friday.

3 THE COURT: So if you were to serve as juror for a
4 period of four weeks, obviously you could not be working
5 during those times. Would that pose a financial hardship
6 for you?

7 THE JUROR: Yes.

8 THE COURT: You are excused.

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 61

10 COURT OFFICER: Juror Number 61.

11 THE COURT: Mr. Claremont, good afternoon.

12 THE JUROR: Good afternoon, sir.

13 THE COURT: Thank you for your patience.

14 Did you get a chance to look at that list of witnesses?

15 THE JUROR: I did, sir.

16 THE COURT: Did you recognize any names?

17 THE JUROR: No one at all.

18 THE COURT: We anticipate the trial of this case will
19 last approximately four weeks, proceeding each day from 9:30
20 in the morning until 4:00 in the afternoon. Bearing in mind
21 that schedule, the importance of this case, and our need for
22 good jurors like you, are you available to help us?

23 THE JUROR: Yes, sir.

24 THE COURT: Have you or any member of your family ever
25 been the victim of a crime of violence?

1 THE JUROR: No, sir.

2 THE COURT: Have you seen or heard anything about this
3 case in the media or have you discussed it with anyone?

4 THE JUROR: No, I haven't, sir.

5 THE COURT: Would you tend to believe or disbelieve the
6 testimony of a police officer simply because that witness is
7 a police officer?

8 THE JUROR: Yes, sir.

9 THE COURT: All right. Which is it?

10 THE JUROR: I would tend to believe a police officer.

11 You asked a question about having an officer in the
12 family, and I did -- I incorrectly answered that question.

13 THE COURT: All right. And is that -- is that related
14 to your response that you would tend to believe a police
15 officer?

16 THE JUROR: It is.

17 THE COURT: You are excused.

18 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 63

19 COURT OFFICER: Juror Number 63.

20 THE COURT: Ms. Clearwater, good afternoon.

21 THE JUROR: Good afternoon.

22 THE COURT: Thank you for your patience.

23 Did you recognize any names on the witness list?

24 THE JUROR: I did not, sir.

25 THE COURT: We anticipate the trial of this case will

1 last approximately four weeks, proceeding each day from 9:30
2 until 4:00. Bearing in mind that schedule and the important
3 of this case and our need for good jurors like you, are you
4 available to help us?

5 THE JUROR: I have plans the first week in June.

6 THE COURT: Okay.

7 THE JUROR: I just say that we purchased airline
8 tickets and paid several thousand dollars, which is fine. I
9 just wanted to let you know that. Sorry.

10 THE COURT: I am confident your responsibility in this
11 case could be completed by then.

12 What is your actual departure date?

13 THE JUROR: The 6th of June.

14 THE COURT: But before that, you are available; is that
15 correct?

16 THE JUROR: Yes, sir.

17 THE COURT: Have you or any member of your family ever
18 been the victim of a crime of violence?

19 THE JUROR: My daughter was assaulted in her -- I
20 believe her sophomore year of college. She was -- there was
21 another drunk girl who literally knocked her out, and she
22 was fine, and that's it.

23 THE COURT: All right. Was there anything about that
24 experience that you shared with your daughter that you think
25 might cause you to favor one side over the other in this

1 case?

2 THE JUROR: No, sir.

3 THE COURT: I see also you have a brother and
4 son-in-law involved in corrections and a brother-in-law that
5 is a U.S. Marshal and also your husband is a flight deck
6 officer.

7 THE JUROR: Yes, sir.

8 THE COURT: Is there anything about any of those
9 relationships that you think could cause you to favor one
10 side over the other in this case?

11 THE JUROR: No, Your Honor.

12 THE COURT: Would you tend to believe or disbelieve the
13 testimony of a police officer simply because that witness is
14 employed as a police officer?

15 THE JUROR: No, Your Honor.

16 THE COURT: There may be evidence in this case that one
17 of the co-defendants, Mr. Hall, had some affiliation with
18 the Hells Angels Motorcycle Club, and that this defendant,
19 Mr. Chalue, had some affiliation with the Aryan Brotherhood.

20 Would that evidence, were you to hear it, interfere
21 with your ability to be a fair and impartial juror?

22 THE JUROR: No, Your Honor.

23 THE COURT: One of the victims in this case, Robert
24 Chadwell, was an African American. The defendant is
25 Caucasian. Would those facts prevent you from acting fairly

1 and impartially?

2 THE JUROR: No, Your Honor.

3 THE COURT: Mr. Chalue has a right to remain silent in
4 his own trial. If he exercises that right and chooses not
5 to testify, would you hold that against him?

6 THE JUROR: No, sir.

7 THE COURT: There may be evidence in this case that the
8 victims' bodies were dismembered, and the jury may see some
9 photographic evidence of that. If you were to be exposed to
10 such evidence, would that prevent you from acting fairly and
11 impartially?

12 THE JUROR: No, Your Honor.

13 THE COURT: Can you think of any reason, whether I
14 asked about it or not, why you would not be fair if
15 selected?

16 THE JUROR: No, sir.

17 THE COURT: I see that you were once a witness in a
18 case -- two civil cases. Was there anything about your
19 experience in that regard that you think might affect your
20 ability to be fair and impartial in this case?

21 THE JUROR: No, Your Honor.

22 THE COURT: Thank you very much, Ms. Clearwater.
23 I'm going to ask you to step out for just a minute.

24 THE JUROR: Okay.

25 (The juror exited.)

1 THE COURT: Find her indifferent.

2 MR. CAPELESS: The Commonwealth is content with this
3 juror, Your Honor, although I don't -- I don't recall if you
4 asked her if she has heard or seen anything about this
5 because I think she responded in the positive to that; at
6 least I had it marked that way.

7 THE COURT: To be certain, I will ask her again.
8 If you could bring her back.

9 Before we do that -- before I do that, Mr. Frank, is
10 there anything beyond that you would like me to ask her?

11 MR. FRANK: Yes. Her brother and son are in the
12 corrections. I would like to know where.

13 THE COURT: Okay.

14 MR. FRANK: Along with the U.S. Marshals, there is some
15 activity in this case from the U.S. Marshals Office.

16 (The juror entered.)

17 THE COURT: Ms. Clearwater, a couple of follow-up
18 questions. Your brother and son-in-law that are in working
19 in corrections, where are they employed?

20 THE JUROR: My brother has been retired for about six
21 years. He was Enfield, Connecticut corrections.

22 My son-in-law works in the Ludlow facility.

23 THE COURT: All right. And I take it you've had no
24 conversations with your son-in-law regarding this case?

25 THE JUROR: Oh, no, sir.

1 THE COURT: And your brother-in-law that is a U.S.
2 Marshal, where is he employed?

3 THE JUROR: Washington, D.C.

4 THE COURT: Have you -- excuse me if I asked you this
5 earlier but I want to make certain.

6 THE JUROR: Sure.

7 THE COURT: Have you had any conversations about this
8 case with anyone or have you observed or heard any media
9 reports of the case?

10 THE JUROR: I believe it was at least a year or so ago,
11 or maybe even longer, because when you gave the date of
12 2011, I was surprised. It seemed like I had read about it
13 or heard about it previous to that. But I think it was
14 around the time of the actual incident. So other than that,
15 I've never discussed it.

16 I heard a few gasps in the crowd today. I had no idea.
17 This is my first ever jury experience so I had no idea what
18 to expect.

19 THE COURT: Well, let me ask a couple follow-up
20 questions. Do you recall if it was a print or broadcast
21 media report?

22 THE JUROR: It would have been probably something on
23 the television that I heard.

24 THE COURT: All right. And do you recall the contents
25 of the report?

1 THE JUROR: No, just the reporting of it, you know,
2 that it had actually happened.

3 THE COURT: And was there anything about the contents
4 of the report that you think might interfere with your
5 ability to be fair?

6 THE JUROR: No, Your Honor.

7 THE COURT: Thank you very much.

8 You may step out again for just a minute.

9 THE JUROR: Sure.

10 (The juror exited.)

11 THE COURT: Find her indifferent.

12 MR. CAPELESS: The Commonwealth is content with this
13 juror, Your Honor.

14 MR. FRANK: Judge, I would challenge for cause, once
15 again, because she has a close relative who is a Ludlow
16 correctional officer where the defendant is housed, and I
17 think that poses a great risk of information seeping.

18 THE COURT: All right. Well, there is no information
19 before me that she has had any discussions with her relative
20 that is in corrections, and I obviously will instruct them
21 that she should have no communication of any kind.

22 I'm not sure there is any information before me other
23 than that employment status upon which I could allow your
24 challenge for cause, so it is noted but denied.

25 (Off-the-record discussion with defense counsel and the

1 defendant.)

2 MR. FRANK: Challenge her, Judge.

3 THE COURT: Very well.

4 (The juror entered.)

5 THE COURT: Ms. Clearwater, thank you for your service.
6 You have been excused.

7 THE JUROR: Thank you.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 65

9 COURT OFFICER: Juror Number 65.

10 THE COURT: Mr. Gay, good morning -- good afternoon,
11 rather.

12 THE JUROR: Hello.

13 THE COURT: Did you recognize any names on that witness
14 list?

15 THE JUROR: No, I did not.

16 THE COURT: We anticipate, Mr. Gay, that the trial of
17 this case will last approximately four weeks, proceeding
18 from 9:30 in the morning until 4:00 in the afternoon.
19 Bearing in mind that schedule, the importance of this case,
20 and our need for good jurors like you, are you available to
21 help us?

22 THE JUROR: I'm actually in school right now.

23 THE COURT: You are?

24 THE JUROR: In HCC. I already paid tuition, and I
25 would not like to miss classes unless it was absolutely

1 necessary.

2 THE COURT: You are excused.

3 (The juror exited.)

4 MR. FRANK: Judge, I believe we just met his father.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 66

6 THE COURT: Mr. Holbrook --

7 COURT OFFICER: Juror Number 66.

8 THE COURT: Mr. Holbrook, good afternoon.

9 Did you recognize any of the names on the witness list?

10 THE JUROR: None of the names looked familiar, no.

11 THE COURT: All right. We anticipate the trial of this
12 case will last approximately four weeks, proceeding each day
13 from 9:30 in the morning until 4:00 in the afternoon.

14 Bearing in mind that schedule, the importance of this case,
15 and our need for good jurors like you, are you available to
16 help us?

17 THE JUROR: Yup. The only thing I have during that
18 time is a wedding anniversary. That's the only thing I have
19 during that next four weeks.

20 THE COURT: All right. I don't want to pry, and I
21 don't want to interfere with your anniversary. When is that
22 exactly?

23 THE JUROR: May 1st.

24 THE COURT: All right. And obviously, the trial will
25 be ongoing at that time. Do you have any plans to travel or

1 to be out of the county at that time?

2 THE JUROR: Not that I'm aware of, Your Honor.

3 THE COURT: All right. Well, bearing in mind your
4 responsibility that day here will be from 9:30 until 4:00.
5 Obviously, after 4:00, you are on your own. Any reason you
6 couldn't do that on that day?

7 THE JUROR: No.

8 THE COURT: Have you or any member of your family ever
9 been the victim of a crime of violence?

10 THE JUROR: Not that I can recall, no.

11 THE COURT: Have you seen or heard anything about this
12 case in media reports or have you discussed it with anyone?

13 THE JUROR: No.

14 THE COURT: There may be evidence in this case that one
15 of the co-defendants, Mr. Hall, had some affiliation with
16 the Hells Angels Motorcycle Club, and that this defendant,
17 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
18 Would that evidence, were you to hear it, interfere with
19 your ability to be a fair and impartial juror?

20 THE JUROR: No.

21 THE COURT: One of the victims in this case, Robert
22 Chadwell, was an African American. Mr. Chalue is Caucasian.
23 Would those facts interfere with your ability to be fair and
24 impartial?

25 THE JUROR: No.

1 THE COURT: Mr. Chalue has a right to remain silent in
2 his trial. If he exercises that right and does not testify
3 in this case, would you hold that against him?

4 THE JUROR: No.

5 THE COURT: Would you tend to believe or disbelieve the
6 testimony of a police officer simply because he's employed
7 as a police officer?

8 THE JUROR: No.

9 THE COURT: There may be evidence in this case that the
10 bodies of the victims were dismembered and the jurors may be
11 exposed to photographic evidence of that. If you were to
12 see and hear such evidence, would that prevent you from
13 being a fair juror?

14 THE JUROR: No.

15 THE COURT: Can you think of any reason why you would
16 not be fair if selected?

17 THE JUROR: None that I can think of, no.

18 THE COURT: All right. Did you respond to any of my
19 earlier questions by raising your card?

20 THE JUROR: Yes.

21 THE COURT: Do you recall which ones?

22 THE JUROR: Do I know anyone that's on the police force
23 or something along those lines. Yes.

24 THE COURT: And who is it that you know?

25 THE JUROR: My father-in-law.

1 THE COURT: Is a police officer?

2 THE JUROR: Yes.

3 THE COURT: Is retired or still working?

4 THE JUROR: Still working.

5 THE COURT: Where does he work?

6 THE JUROR: In Springfield.

7 THE COURT: What is his name?

8 THE JUROR: Veredus Thaddeus [phonetic].

9 THE COURT: Is there anything about your relationship
10 with him or his line of work that might cause you to favor
11 one side over the other in this case?

12 THE JUROR: No.

13 THE COURT: Thank you very much, Mr. Holbrook.

14 If you could just step out in the hallway for a minute.

15 (The juror exited.)

16 THE COURT: I find him indifferent.

17 MR. CAPELESS: Commonwealth is content with this juror,
18 Your Honor.

19 (Off-the-record discussion with defense counsel and the
20 defendant.)

21 MR. FRANK: Content.

22 THE COURT: Very well.

23 (The juror entered.)

24 THE COURT: Mr. Holbrook, you have been selected to sit
25 as a juror in this case. We're actually not going to start

1 the trial today. So in a minute, I'm going to excuse you
2 and ask you to come back not tomorrow but Friday morning
3 when we will begin the trial. The Court Officers will show
4 you where to report on Friday morning.

5 In the meantime, it's important that you not discuss
6 the case with anyone. You can certainly explain to family
7 members or employers that you have been selected to sit on a
8 jury and the anticipated duration. Beyond that, I ask that
9 you say no more.

10 Further, please don't independently investigate any
11 aspect of this case including any sort of electronic
12 research, and do not observe any media reports should there
13 be any.

14 Thank you. We will see you on Friday morning at 9:30.

15 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 67:

16 COURT OFFICER: Juror Number 67.

17 THE COURT: Is it Ms. Gauthier?

18 THE JUROR: Yes.

19 THE COURT: Good afternoon.

20 THE JUROR: Good afternoon.

21 THE COURT: Did you recognize any names on that list?

22 THE JUROR: No.

23 THE COURT: We anticipate the trial of this case will
24 last approximately four weeks, proceeding each day from 9:30
25 in the morning until 4:00 in the afternoon with some

1 exceptions. Bearing in mind that schedule, the importance
2 of this case, and our need for good jurors like you, are you
3 available to help us?

4 THE JUROR: I am.

5 THE COURT: Have you or any family member ever been the
6 victim of a crime of violence?

7 THE JUROR: No.

8 THE COURT: Have you ever seen or heard any media
9 reports related to this case or have you discussed it with
10 anyone?

11 THE JUROR: I have not seen anything, but my boyfriend
12 had mentioned that they're picking jurors for the case, and
13 I don't know if this is the one.

14 THE COURT: And was that a conversation you had
15 recently based on your receipt of a summons to be here
16 today?

17 THE JUROR: That was just yesterday.

18 THE COURT: All right. And can you tell me or share
19 with us the contents of what your boyfriend told you?

20 THE JUROR: He just said they were trying to pick
21 jurors for a case that had to do with the Hells Angels.

22 THE COURT: All right. And was there anything about
23 the contents of his statement to you that you think might
24 interfere with your ability to be fair to both sides?

25 THE JUROR: No.

1 THE COURT: Let me follow up on that a little bit.
2 There may be evidence in this case that one of the
3 co-defendants, Mr. Hall, had some affiliation with the Hells
4 Angels Motorcycle Club, and that this defendant, Mr. Chalue,
5 had some affiliation with the Aryan Brotherhood. If you
6 were to hear such evidence, would that prevent you from
7 acting as a fair and impartial juror?

8 THE JUROR: No.

9 THE COURT: Robert Chadwell, one of the victims in this
10 case, was an African American. The defendant is Caucasian.
11 Would those facts prevent you from being a fair and
12 impartial juror?

13 THE JUROR: No.

14 THE COURT: Did you raise your card in response to any
15 of my earlier questions?

16 THE JUROR: Just the one that I heard about.

17 THE COURT: From your boyfriend?

18 THE JUROR: Right.

19 THE COURT: The defendant, Mr. Chalue, has an absolute
20 right to remain silent at this trial. If he exercises that
21 right and chooses not to testify, would you hold that
22 against him in any way?

23 THE JUROR: No.

24 THE COURT: There may be evidence in this case that the
25 victims' bodies were dismembered, and the jury may hear

1 testimony and see photographs regarding that. If you were
2 to be exposed to such evidence, would that evidence prevent
3 you from being a fair and impartial juror?

4 THE JUROR: No.

5 THE COURT: Can you think of any reason, whether I
6 asked about it or not, why you would not be fair if
7 selected?

8 THE JUROR: No.

9 THE COURT: Thank you very much.

10 If you could step back in the hallway for just a
11 minute.

12 THE JUROR: Sure.

13 (The juror exited.)

14 THE COURT: Find her indifferent.

15 MR. CAPELESS: Judge, I don't recall you asking her
16 about police witnesses.

17 THE COURT: I think you are correct, Mr. Frank. Before
18 I ask -- I bring her back in, anything you would like me to
19 ask?

20 MR. FRANK: No.

21 THE COURT: Okay.

22 (The juror entered.)

23 THE COURT: Ms. Gauthier, I neglected to ask you one
24 question. Would you tend to believe or disbelieve the
25 testimony of a police officer simply because that witness is

1 employed as a police officer?

2 THE JUROR: No.

3 THE COURT: Thank you.

4 (The juror exited.)

5 THE COURT: I find her indifferent.

6 MR. CAPELESS: The Commonwealth is content with this
7 juror, Your Honor.

8 MR. FRANK: Content.

9 THE COURT: Very well.

10 (The juror entered.)

11 THE COURT: Ms. Gauthier, you have been selected to sit
12 as a juror in this case. You're going to be in seat number
13 fifteen.

14 We're actually not going to start the trial today, so
15 in a minute, I'm going to excuse you, and the Court Officers
16 will tell you where to return on Friday at 9:30.

17 THE JUROR: Okay.

18 THE COURT: Between now and then, it is important that
19 you not discuss the case with anyone. You can certainly
20 explain to family and employers that you have been selected
21 to sit on a jury, that it is a criminal case, the
22 anticipated duration. Beyond that, I order you to say no
23 more.

24 Second, disregard any media reports, should there be
25 any, and don't attempt any independent research, including

1 any sort of electronic research, of anything you have heard
2 about this case.

3 With that, Ms. Gauthier, thank you for your time here
4 today. We will see you Friday morning at 9:30.

5 THE JUROR: Okay. Thank you.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 68

7 COURT OFFICER: Juror Number 68.

8 THE COURT: Mr. Duquette, good afternoon.

9 THE JUROR: Good afternoon.

10 THE COURT: Did you recognize any names on that list of
11 witnesses?

12 THE JUROR: No, sir, I did not.

13 THE COURT: Mr. Duquette, we anticipate that the trial
14 of this case will last approximately four weeks, proceeding
15 each day from 9:30 in the morning until 4:00 in the
16 afternoon. Bearing in mind that schedule, the importance of
17 this case, and our need for good jurors like you, are you
18 available to help us?

19 THE JUROR: Yes, sir, I am.

20 THE COURT: Have you or any family member ever been the
21 victim of a crime of violence?

22 THE JUROR: My daughter was a victim of a sexual
23 assault when she was about ten years old. I went to court
24 with that, sir.

25 THE COURT: Was there anything about that experience

1 that you shared with your daughter that you think might
2 cause you to favor one side over the other in this case?

3 THE JUROR: No, sir, there is not.

4 THE COURT: All right. Have you seen or heard anything
5 about this case on media reports or discussed it with
6 anyone?

7 THE JUROR: No, Your Honor, I have not.

8 THE COURT: Did you raise your card in response to any
9 of my earlier questions?

10 THE JUROR: No, sir, I did not.

11 THE COURT: There may be evidence in this case that one
12 of the co-defendants, Mr. Hall, had some affiliation with
13 the Hells Angels Motorcycle Club, and that this defendant,
14 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
15 If you were to hear such evidence, would that evidence
16 prevent you from being a fair and impartial juror?

17 THE JUROR: No, sir, I do not believe so.

18 THE COURT: Robert Chadwell, one of the victims in this
19 case, was an African American. Mr. Chalue is Caucasian.
20 Would those facts prevent you from acting fairly and
21 impartially as a juror?

22 THE JUROR: No.

23 THE COURT: Mr. Chalue has a right to remain silent at
24 his trial. If he were to exercise that right and not
25 testify at his trial, would you hold that against him in

1 some way?

2 THE JUROR: No.

3 THE COURT: There may be evidence in this case that the
4 victims' bodies were dismembered. You may hear testimony or
5 see photographs regarding that. If you were to see that
6 kind of evidence, would that prevent you from being fair and
7 impartial?

8 THE JUROR: No, Your Honor.

9 THE COURT: Can you think of any reason, whether I
10 asked about it or not, why you would not be fair if selected
11 as a juror in this case?

12 THE JUROR: No, sir, I cannot.

13 THE COURT: Would you tend to believe or disbelieve the
14 testimony of a police officer simply because they are a
15 police officer?

16 THE JUROR: No, sir.

17 THE COURT: I see that you testified -- or I'm sorry --
18 that you acted as a juror once before in Federal Court. Was
19 there anything about that experience that you think might
20 interfere with your ability to be fair in this case?

21 THE JUROR: No, sir, I do not.

22 THE COURT: Thank you, Mr. Duquette.

23 If you could step out in the hallway for just a moment.

24 (The juror exited.)

25 THE COURT: I find him indifferent.

1 MR. CAPELESS: The Commonwealth is content with this
2 juror, Your Honor.

3 MR. FRANK: Challenge.

4 THE COURT: Very well.

5 (The juror entered.)

6 THE COURT: Mr. Duquette, thank you for your service
7 here today.

8 You have been excused.

9 THE JUROR: Thank you.

10 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 69

11 COURT OFFICER: Juror Number 69.

12 THE COURT: Is it Mr. Doty? Is that correct?

13 THE JUROR: Yes.

14 THE COURT: Good afternoon.

15 THE JUROR: Good afternoon.

16 THE COURT: Did you see or recognize any of the names
17 on that witness list?

18 THE JUROR: One name.

19 THE COURT: What was that?

20 THE JUROR: Shane Parrott.

21 THE COURT: All right. How do you know Shane Parrott?

22 THE JUROR: I'm a salesman. I used to work -- I call
23 on convenience stores and different types of stores, and I
24 believe I know -- the father is either Ray or Mark Parrott.
25 They have a store in Pittsfield.

1 THE COURT: All right. Do we anticipate, counsel, that
2 Mr. Parrott will testify?

3 MR. CAPELESS: Yes, Your Honor.

4 THE COURT: All right.

5 Then let me ask you, Mr. Doty, how well you know
6 Mr. Parrott?

7 THE JUROR: It's been a few years since I've seen him.
8 I was in his store fairly often. I wouldn't consider him a
9 good friend of mine but a very good customer. We got to be
10 very friendly over the years.

11 THE COURT: Well, let me put it to you this way: It is
12 probable that Mr. Parrott will testify in this case. If you
13 were to hear Mr. Parrott's testimony, do you think, based on
14 your prior relationship with him, you might tend to treat
15 his testimony differently than that of other witnesses?

16 THE JUROR: No.

17 THE COURT: All right. Have you seen or heard anything
18 about this case on media reports?

19 THE JUROR: Yes.

20 THE COURT: Can you tell me what you heard and when you
21 recall hearing it?

22 THE JUROR: I heard it back initially when it first
23 came out, and, actually, most recently, watched it this
24 morning in the Springfield newspaper and some details about
25 the case itself and the juror selection itself.

1 THE COURT: All right. Was there anything about the
2 contents of the articles -- article that you read this
3 morning that you think could interfere with your ability to
4 act as a fair and impartial juror?

5 THE JUROR: I don't think so.

6 THE COURT: All right. We anticipate that the trial of
7 this case will last approximately four weeks, proceeding
8 each day from 9:30 in the morning until 4:00 in the
9 afternoon. Bearing in mind that schedule and the importance
10 of this case and our need for good jurors like you, are you
11 available to help us?

12 THE JUROR: Yes.

13 THE COURT: All right. Have you or any member of your
14 family ever been the victim of a crime of violence?

15 THE JUROR: No.

16 THE COURT: There may be evidence in this case that one
17 of the co-defendants, Mr. Hall, had some affiliation with
18 the Hells Angels Motorcycle Club, and that Mr. Chalue had
19 some affiliation with the Aryan Brotherhood. If you were to
20 hear such evidence, would that prevent you from acting as a
21 fair and impartial juror?

22 THE JUROR: No, I don't believe so.

23 THE COURT: Robert Chadwell, one of the victims in this
24 case, was African American. Mr. Chalue is Caucasian. Would
25 those facts prevent you from acting as a fair and impartial

1 juror?

2 THE JUROR: No.

3 THE COURT: Mr. Chalue has a right to remain silent in
4 this trial. If he exercises that right and chooses not to
5 testify, would you hold that against him in any way?

6 THE JUROR: No.

7 THE COURT: There may be evidence in this case that the
8 bodies of the victims were dismembered. If you were to see
9 photographs of that evidence or hear testimony regarding
10 that, would that prevent you from acting fairly and
11 impartially?

12 THE JUROR: No. It's hard to answer that, no.

13 THE COURT: Let me rephrase that. I think we are all
14 aware of the fact that no one wants to be exposed to that
15 kind of evidence, and it's not uncommon for people to have
16 an emotional reaction to seeing or hearing such evidence.

17 My question is not whether or not would you have an
18 emotional reaction, but whether or not you could put aside
19 any emotional reaction and judge the evidence fairly and
20 impartially.

21 Do you think you could do that?

22 THE JUROR: Yes.

23 THE COURT: Can you think of any reason, whether I
24 asked about it or not, why you would not be a fair and
25 impartial juror, if chosen?

1 THE JUROR: None.

2 THE COURT: I don't recall whether or not I asked you
3 if you had responded to any of my earlier questions by
4 raising your card. Did you?

5 THE JUROR: Yes, three.

6 THE COURT: All right. One, I assume, had to do with
7 the publicity?

8 THE JUROR: Yes. Right.

9 THE COURT: What were the others?

10 THE JUROR: Cousins -- first cousin is a Springfield
11 police officer, former Springfield police, Milton and Robert
12 Doty.

13 THE COURT: Anything about those relationships that you
14 think might cause you to favor one side over the other in
15 this case?

16 THE JUROR: Well, which led into my other yes.

17 THE COURT: Which was?

18 THE JUROR: Would I tend to favor more favorably law
19 enforcement?

20 THE COURT: All right. The question was whether or not
21 you would tend to believe the testimony of a police officer
22 as opposed to another witness, and you early -- you are
23 telling me you earlier answered yes?

24 THE JUROR: Yes.

25 THE COURT: And you believe that, that you would tend

1 to elevate their testimony --

2 THE JUROR: Yes.

3 THE COURT: All right. Thank you for your honesty.

4 You are excused.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 70:

6 COURT OFFICER: Juror Number 70.

7 THE COURT: Mr. Bachetti, good afternoon.

8 Mr. Bachetti, I see from your biographical form you had
9 some past experiences with the criminal justice system. Was
10 there anything about those experiences that you think might
11 interfere with your ability to be fair to both sides in this
12 case?

13 THE JUROR: No, Judge.

14 THE COURT: All right. I infer that your only
15 involvement was as a juror; is that correct?

16 THE JUROR: Yes, sir.

17 THE COURT: Did the jury reach a verdict in those
18 cases?

19 THE JUROR: Yes.

20 THE COURT: Can you tell us what that verdict was?

21 THE JUROR: It's awhile back -- guilty.

22 THE COURT: All right. Mr. Bachetti, did you recognize
23 any names on that witness list?

24 THE JUROR: Yes, sir.

25 THE COURT: Which names?

1 THE JUROR: Mass. State Trooper Christopher Donahue in
2 the crime scene division.

3 THE COURT: Mr. Capeless, will that witness testify?

4 MR. CAPELESS: I don't believe so. I don't expect
5 Trooper Donahue will testify.

6 THE COURT: Was that the only name you recognized?

7 THE JUROR: Yes.

8 THE COURT: All right. We anticipate, Mr. Bachetti,
9 that this case will last approximately four weeks,
10 proceeding each day from 9:30 in the morning until 4:00 in
11 the afternoon. Bearing in mind that schedule, the
12 importance of this case, and our need for good jurors like
13 you, are you available to help us?

14 THE JUROR: Except for me to be very truthful, I have
15 MS in my spine. And I try today. I came to be a good
16 soldier. I don't know. It's sitting in there. I have
17 seizures and stuff, so I don't want to make a scene -- I
18 don't know if I could be able to do it.

19 THE COURT: All right. Well, let me ask you this: As
20 a result of your physical condition, are you in pain when
21 you sit for long periods of time?

22 THE JUROR: Yes.

23 THE COURT: You are excused.

24 THE JUROR: Sorry.

25 THE COURT: That's all right.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 71

2 COURT OFFICER: Juror Number 71.

3 THE COURT: Is it Ms. Quesnel?

4 THE JUROR: Quesnel.

5 THE COURT: Good afternoon.

6 Did you recognize any names on that list of witnesses?

7 THE JUROR: No.

8 THE COURT: We anticipate that this case will take
9 approximately four weeks to complete, proceeding from 9:30
10 in the morning until 4:00 in the afternoon, Monday through
11 Friday. Bearing in mind that schedule and the importance of
12 this case and our need for good jurors like you, are you
13 available to help us?

14 THE JUROR: I am a public school teacher, and I have
15 children on IEP, so to be away from them for four weeks, I
16 feel that that could affect because of the inconsistency of
17 my not being there.

18 THE COURT: Would someone stand in your stead in that
19 four-week period?

20 THE JUROR: They could get a substitute, but they don't
21 know the children like I do, and given it's the end of the
22 year --

23 THE COURT: Right. Well, let me ask you this: To some
24 extent, is your job performance evaluated based on the
25 performance of the children?

1 THE JUROR: Not as of right now, no.

2 THE COURT: All right. Thank you for your honesty.

3 The second question is do you think, if you were
4 sitting here for four weeks would your job responsibilities
5 distract you?

6 THE JUROR: Yes.

7 THE COURT: You are excused.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 73

9 COURT OFFICER: Juror Number 73.

10 THE COURT: Good afternoon, sir.

11 THE JUROR: Good afternoon.

12 THE COURT: Is it Mr. Gervickas?

13 THE JUROR: Gervickas.

14 THE COURT: Gervickas.

15 THE JUROR: Yes.

16 THE COURT: Did you get a chance to look at that list
17 of potential witnesses?

18 THE JUROR: Yes, I did.

19 THE COURT: Did you recognize any potential names?

20 THE JUROR: No, I do not.

21 THE COURT: We anticipate the trial of this case will
22 last approximately four weeks, proceeding each day from 9:30
23 in the morning until 4:00 in the afternoon. Bearing in mind
24 that schedule, the importance of this case, and our need for
25 good jurors like you, are you available to help us?

1 THE JUROR: Unfortunately, no. I have a stress test,
2 and I have heart issues. But the stress test is, like, a
3 week and a half away back of the hospital. That's it.

4 THE COURT: All right. So you would -- what time is
5 your appointment?

6 THE JUROR: I'd have to look at my schedule. Probably
7 8:30 or 9:00 in the morning.

8 THE COURT: All right. And does your condition
9 otherwise -- would it otherwise prevent you from sitting as
10 a juror for an extended period of time?

11 THE JUROR: Not that I know of.

12 THE COURT: I think, in an abundance of caution, rather
13 than force everyone to take a day off during that stress
14 test, I think we will excuse you.

15 Thank you for your service here today.

16 THE JUROR: Thank you, Your Honor.

17 (The juror exited.)

18 COURT OFFICER: There is no answer on Juror Number 76,
19 Your Honor.

20 THE COURT: All right. Let's make a note of that and
21 make certain that we reach out to that juror and determine
22 why they were not here.

23 And let's go to Juror Number 77.

24 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 77

25 COURT OFFICER: Juror Number 77.

1 THE COURT: Ms. Barghout, good afternoon.

2 THE JUROR: Hi. How are you?

3 THE COURT: Good afternoon.

4 Counsel, I should disclose to you that Ms. Barghout is
5 a former neighbor of mine in Wilbraham. I don't think that
6 would have any bearing on her ability to act as a fair and
7 impartial juror, but I thought I should let you know that.

8 Ms. Barghout, I have to ask you some follow-up
9 questions.

10 THE JUROR: Okay.

11 THE COURT: Let me start with this: Did you get a
12 chance to look at that list of witnesses?

13 THE JUROR: Yes, I did.

14 THE COURT: Did you recognize any names?

15 THE JUROR: I did not.

16 THE COURT: We anticipate the trial of this case will
17 last approximately four weeks, proceeding each day from 9:30
18 in the morning until 4:00 in the afternoon. Bearing in mind
19 that schedule, the importance of this case, and our need for
20 good jurors like you, are you available to help us?

21 THE JUROR: Yes.

22 THE COURT: Have you or any member of your family ever
23 been the victim of a crime of violence?

24 THE JUROR: No.

25 THE COURT: Have you seen or heard anything about this

1 case in media reports or have you discussed it with anyone?

2 THE JUROR: I haven't discussed it with anyone, but I
3 believe I have heard about it, but vaguely.

4 THE COURT: All right. And do you recall if it was
5 print or broadcast media that you heard?

6 THE JUROR: Broadcast.

7 THE COURT: Was there anything about the content of
8 that report that you think might interfere with your ability
9 to be a fair and impartial juror?

10 THE JUROR: No, I don't think so.

11 THE COURT: There may be evidence in this case that one
12 of the co-defendants, Mr. Hall, had some affiliation with
13 the Hells Angels Motorcycle Club, and that this defendant,
14 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
15 If you were to hear such evidence, would that prevent you
16 from being a fair and impartial juror?

17 THE JUROR: No, I don't think so.

18 THE COURT: One of the victims in this case, Robert
19 Chadwell, was African American, and Mr. Chalue is Caucasian.
20 Would that evidence interfere with your ability to be fair
21 and impartial?

22 THE JUROR: No.

23 THE COURT: Mr. Chalue has a right to remain silent.
24 If he exercises that right and does not testify, would you
25 hold that against him in any way?

1 THE JUROR: No.

2 THE COURT: Did you, Ms. Barghout, raise your card in
3 response to any of my earlier questions?

4 THE JUROR: I did. Two of them. One, just if we knew
5 anyone in the court, which was you. That's why I raised it.

6 THE COURT: All right.

7 THE JUROR: And then the other one was if we had heard
8 about this case at all, and I had vaguely --

9 THE COURT: And you've already addressed that?

10 THE JUROR: Right.

11 THE COURT: There may be evidence in this case that the
12 bodies of the victims were dismembered, and the jury may see
13 evidence, including photographs, regarding that. If you
14 were to see and hear such evidence, would that prevent you
15 from acting fairly and impartially?

16 THE JUROR: No.

17 THE COURT: Can you think of any reason, whether I have
18 asked about it or not, why you would not be fair and
19 impartial if selected?

20 THE JUROR: No, I don't think so.

21 THE COURT: All right. Would you tend to believe or
22 disbelieve the testimony of a police officer simply because
23 he or she is a police officer?

24 THE JUROR: No.

25 THE COURT: Thank you.

1 I'm going to ask you to step out for just a minute,
2 Ms. Barghout.

3 (The juror exited.)

4 THE COURT: I find her indifferent.

5 MR. CAPELESS: The Commonwealth is content with this
6 juror, Your Honor.

7 (Off-the-record discussion with defense counsel and the
8 defendant.)

9 MR. FRANK: Challenge, Your Honor.

10 THE COURT: Very well.

11 (The juror entered.)

12 THE COURT: Ms. Barghout, thank you for your service
13 here this morning.

14 You have been excused.

15 THE JUROR: Okay. Thank you.

16 (The juror exited.)

17 THE COURT: We will do one more prospective juror and
18 then take the lunch break.

19 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 78

20 COURT OFFICER: Juror Number 78.

21 THE COURT: Good afternoon, ma'am.

22 THE JUROR: Good afternoon.

23 THE COURT: Is it Ms. Rheume?

24 THE JUROR: Rheume.

25 THE COURT: Did you recognize any of the witnesses on

1 that witness list?

2 THE JUROR: No.

3 THE COURT: We anticipate the trial of this case will
4 last approximately four weeks, proceeding each day from 9:30
5 in the morning until 4:00 in the afternoon. Bearing in mind
6 that schedule, the importance of this case, and our need for
7 good jurors like you, are you available to help us?

8 THE JUROR: Yes.

9 THE COURT: Have you or any family member ever been the
10 victim of a crime of violence?

11 THE JUROR: No.

12 THE COURT: Have you seen or heard anything about this
13 case in the media or have you discussed it with anyone?

14 THE JUROR: I did. I read about it in the paper. I
15 never discussed it with anyone.

16 THE COURT: All right. Was the report that you read
17 recent or some time ago?

18 THE JUROR: I believe it was some time ago.

19 THE COURT: Do you recall anything about the contents
20 of the report that you read?

21 THE JUROR: Yes. I remember it -- something about
22 Becket because I had been in Becket around that time, and I
23 remember seeing something about Becket. That was pretty
24 much what I remember about it.

25 THE COURT: I did mention in my comments this morning

1 that there will be evidence that there were allegations that
2 the bodies were buried in Becket. Do you recall anything
3 regarding the contents of your report that exceeded what I
4 explained this morning?

5 THE JUROR: No.

6 THE COURT: And was there anything about the content of
7 the report itself that you think might interfere with your
8 ability to be fair to both sides?

9 THE JUROR: No.

10 THE COURT: Did you raise your card in response to any
11 of my earlier questions other than the fact --

12 THE JUROR: Just that one, other than the fact that I
13 had seen it or read it.

14 THE COURT: All right. There may be evidence in this
15 case that one of the co-defendants, Mr. Hall, had some
16 affiliation with the Hells Angels Motorcycle Club and that
17 Mr. Chalue, the defendant in this case, had some affiliation
18 with the Aryan Brotherhood. If you were to hear and see
19 such evidence, would that prevent you from acting fairly and
20 impartially?

21 THE JUROR: No.

22 THE COURT: One of the victims in this case, Robert
23 Chadwell, was African American. Mr. Chalue is Caucasian.
24 Would those facts prevent you from acting fairly and
25 impartially?

1 THE JUROR: No.

2 THE COURT: Mr. Chalue has a right to remain silent in
3 his trial. If he exercises that right and does not testify,
4 would you hold that against him in any way?

5 THE JUROR: No.

6 THE COURT: There may be evidence in this case that the
7 victims' bodies were dismembered, and the jury may see
8 photographic evidence regarding that. If you were to see
9 and hear such evidence, would that prevent you from acting
10 fairly and impartially?

11 THE JUROR: No.

12 THE COURT: Can you think of any reason, whether I have
13 asked about it or not, why you would not be fair if
14 selected?

15 THE JUROR: No.

16 THE COURT: Would you tend to believe or disbelieve the
17 testimony of a police officer simply because he is employed
18 as a police officer?

19 (Pause)

20 THE JUROR: I think either --

21 THE COURT: Let me ask it this way: One of the things
22 I will be instructing all of the jurors is that they should
23 treat the testimony of each witness the same, and they
24 should independently evaluate each witness. And I would
25 explain to the jury in greater detail how they should evaluate

1 the credibility of the witnesses.

2 Do you think you could follow that instruction whether
3 the witness is a police officer or someone that is a lay
4 witness?

5 THE JUROR: Yes.

6 THE COURT: All right. Thank you.

7 I'm going to ask you to step out in the hallway.

8 THE JUROR: Thank you.

9 (The juror exited.)

10 THE COURT: I find Ms. Rheume to be indifferent.

11 MR. CAPELESS: The Commonwealth is content with this
12 juror, Your Honor.

13 (Off-the-record discussion with defense counsel and the
14 defendant.)

15 MR. FRANK: Content.

16 THE COURT: Very well.

17 (The juror entered.)

18 THE COURT: Ms. Rheume, you have been selected to sit
19 as a juror in this case. We are actually not going to start
20 the trial today. You're going to be in seat number sixteen.
21 The Court Officers will show you where to report on Friday,
22 which is when we are going to begin the case, not tomorrow
23 morning, but Friday morning at 9:30.

24 In the interim, please do not discuss the case with
25 anyone except to explain as may be necessary the fact that

1 you have been selected to sit on a jury and the anticipated
2 duration.

3 Don't observe any media reports, should there be any,
4 and's please do not attempt to independently investigate the
5 case in any way, including doing any electronic research.

6 Thank you for your patience. We will see you on Friday
7 morning at 9:30.

8 THE JUROR: Okay. Thank you.

9 (The juror exited.)

10 THE COURT: Counsel, let me raise an issue.

11 I have contemplated earlier today selecting seventeen
12 just to allow for slippage so that if all sixteen express no
13 difficulty in continuing, I will simply excuse the seventeen
14 jurors when we begin on Friday. But it has been my
15 experience that oftentimes, after thinking about things,
16 jurors raise issues that might be a problem for their
17 continued service.

18 So I want to give you the chance to weigh in on that
19 proposal. It would mean, of course, coming back after lunch
20 and continuing with the remaining jurors to select one
21 additional.

22 Mr. Capeless, do you wish to be heard?

23 MR. CAPELESS: The Commonwealth is content with that
24 suggestion, Your Honor.

25 THE COURT: Mr. Frank?

1 MR. FRANK: My only concern is we had anticipated and
2 have used our challenges in anticipation of sixteen.

3 THE COURT: Have you exhausted all challenges?

4 MR. FRANK: No, we have not.

5 THE COURT: And I understand that we may not. I don't
6 know that we will with the seventeenth juror. However, I
7 will give you seventeen challenges.

8 Are you opposed to my proposal?

9 MR. FRANK: No.

10 THE COURT: All right. If we could bring the jurors
11 back in, please.

12 (Pause)

13 (The venire entered at 1:06 p.m.)

14 THE COURT: Ladies and gentlemen, I want to thank you
15 for your patience. I know it's a tedious process and
16 because you are at the end of the line, you have suffered
17 the most among the jurors, and I appreciate that.

18 We are nearing the end of the process. We are not yet
19 there. I am going to excuse you, take a lunch break, and
20 ask you to return at 2:00 for the purpose of completing the
21 process which I think we will be able to do in fairly short
22 order.

23 During the lunch break, I am ordering you not to have
24 any discussions with anyone about the case. Please do not
25 discuss with anyone what limited information you have heard

1 thus far today. Don't conduct any independent research,
2 including any electronic research, and please do not observe
3 any media reports, should there be any.

4 With that understanding, we will see you at 2:00. The
5 Court Officers will show you where to report.

6 Thank you ladies and gentlemen.

7 (The venire exited at 1:08 p.m.)

8 THE COURT: Counsel, we will see you at 2:00.

9 (The Court exited at 1:08 a.m.)

10 (* * * * *)

11 (The Court entered at 2:06 p.m.)

12 (The defendant was present.)

13 THE COURT: Thank you. Please be seated.

14 All right. Counsel, anything before we bring the next
15 juror in?

16 (Pause)

17 THE COURT: All right. You may do so.

18 (Pause)

19 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 79

20 COURT OFFICER: Juror Number 79.

21 THE COURT: Ms. Daniels, good afternoon.

22 THE JUROR: Good afternoon.

23 THE COURT: Thank you for your patience thus far.

24 Did you get a chance to look at that list of potential
25 witnesses?

1 THE JUROR: I did.

2 THE COURT: Did you recognize any names?

3 THE JUROR: No.

4 THE COURT: We anticipate the trial of this case will
5 last approximately four weeks, beginning each day at 9:30
6 and ending at 4:00. Bearing in mind that schedule, the
7 importance of this case, and our need for good jurors like
8 you, are you available to help us?

9 THE JUROR: Yes.

10 THE COURT: Have you or any member of your family ever
11 been the victim of a crime of violence?

12 THE JUROR: I'm sure somewhere down the line.

13 THE COURT: Is there one that you can think of?

14 THE JUROR: No.

15 THE COURT: All right.

16 Is there anything -- assuming that there are such
17 instances out there -- is there anything about that that
18 might cause you to favor one side over the other?

19 THE JUROR: No.

20 THE COURT: Have you read, seen, or heard anything
21 about this case in media reports?

22 THE JUROR: Yes, on the news.

23 THE COURT: All right. When was the most recent news
24 report that you observed, roughly?

25 THE JUROR: Maybe the past week or so.

1 THE COURT: All right. And had you seen reports prior
2 to that as well?

3 THE JUROR: Not that I can remember.

4 THE COURT: All right. What do you recall about the
5 contents of that report?

6 THE JUROR: I just remember that there were three
7 people killed. I remember Pittsfield. That's pretty much
8 it.

9 THE COURT: All right. Was there anything about that
10 content that you think might interfere with your ability to
11 act as a fair and impartial juror?

12 THE JUROR: No.

13 THE COURT: Did you raise your hand in response to any
14 of my earlier questions?

15 THE JUROR: Yes.

16 THE COURT: Do you recall which ones other than the
17 media reports question?

18 THE JUROR: Family members working.

19 THE COURT: In law enforcement?

20 THE JUROR: (Indicating)

21 THE COURT: Can you tell me who those family members
22 are and what their current role is?

23 THE JUROR: I have a distant cousin. You want his
24 name?

25 THE COURT: If you could speak up just a little bit. I

1 just need to know the relationship and the line of work.

2 THE JUROR: I have a distant cousin working as a
3 corrections officer.

4 THE COURT: All right. Anything about that
5 relationship that might cause you to favor one side over the
6 other?

7 THE JUROR: No.

8 THE COURT: And was that the only other question that
9 you raised your card in response to?

10 THE JUROR: That and the media reports, yes.

11 THE COURT: Would you tend to believe or disbelieve the
12 testimony of a police officer simply because that witness is
13 employed as a police officer?

14 THE JUROR: No.

15 THE COURT: There may be evidence in this case that one
16 of the co-defendants, Mr. Hall, had some affiliation with
17 the Hells Angels Motorcycle Club, and that this defendant,
18 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
19 If you were to hear such evidence, would that interfere with
20 your ability to act fairly and impartially?

21 THE JUROR: No.

22 THE COURT: One of the victims in this case, Robert
23 Chadwell, was African American. Mr. Chalue is Caucasian.
24 Would these facts interfere with your ability to act fairly
25 and impartially?

1 THE JUROR: No.

2 THE COURT: Mr. Chalue has a right to remain silent in
3 this trial. If he exercises that right and does not
4 testify, would you hold that against him in any way?

5 THE JUROR: No.

6 THE COURT: There may be evidence in this case that the
7 victims' bodies were dismembered, and the jury may be
8 exposed to testimony and photographic evidence regarding
9 that. If you were to see and hear such evidence, would that
10 prevent you from acting fairly and impartially?

11 THE JUROR: No.

12 THE COURT: Can you think of any reason, whether I
13 asked about it or not, why you might not be impartial and
14 fair if selected as a juror?

15 THE JUROR: No.

16 THE COURT: I see that you make reference to having
17 been served with a court order in the past. Was there
18 anything about that experience that you think might cause
19 you to favor one side over the other in this case?

20 THE JUROR: No. No.

21 THE COURT: Thank you.

22 I'm going to ask you to step out into the hallway for
23 just a minute, please.

24 THE JUROR: Thank you.

25 (The juror exited.)

1 THE COURT: It appears to me I forgot to ask her if she
2 knows any witnesses. Did I ask that question? I don't
3 believe I did.

4 Before we bring her back in, anything else?

5 MR. FRANK: Yes, Judge. She has children ages four and
6 one. And I'd ask if you could ask her if she's considered
7 how she will handle that situation.

8 THE COURT: If she says she's available to sit for four
9 weeks, does it matter how she handles her children
10 situation?

11 MR. FRANK: I only say that because we have had a
12 number of people who have failed to consider situations
13 regarding work. Better safe than sorry on that issue.

14 THE COURT: All right. I'm not inclined to ask that
15 question, but let's bring Ms. Daniels back in.

16 (The juror entered.)

17 THE COURT: I thought, perhaps incorrectly, that I
18 hadn't asked you about the list of witnesses, but I did ask
19 you that, did I not?

20 THE JUROR: Yes, you did.

21 THE COURT: And you didn't know any?

22 THE JUROR: No, I didn't.

23 THE COURT: All right. Thank you very much.

24 (The juror exited.)

25 THE COURT: Find her indifferent.

1 MR. CAPELESS: The Commonwealth is content with this
2 juror, Your Honor.

3 (Pause)

4 MR. FRANK: Challenge, Your Honor.

5 THE COURT: Very well.

6 (The juror entered.)

7 THE COURT: Ms. Daniels, thank you for your service
8 today.

9 You have been excused.

10 THE JUROR: Thank you.

11 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 80

12 COURT OFFICER: Juror Number 80.

13 THE COURT: Ms. Flores, good afternoon.

14 THE JUROR: Good afternoon, sir.

15 THE COURT: Did you get a chance to look at that list
16 of potential witnesses?

17 THE JUROR: I did.

18 THE COURT: Did you recognize any names?

19 THE JUROR: I did not.

20 THE COURT: We anticipate the trial of this case will
21 last approximately four weeks, proceeding from 9:30 in the
22 morning until approximately 4:00 the afternoon. Bearing in
23 mind that schedule, the importance of this case, and our
24 need for good jurors like you, are you available to help us?

25 THE JUROR: Yes.

1 THE COURT: Have you or any member of your family ever
2 been the victim of a crime of violence?

3 THE JUROR: No.

4 THE COURT: Have you seen or heard any media reports
5 regarding this case or discussed it with anyone?

6 THE JUROR: Yes.

7 THE COURT: And did you discuss it with someone or
8 media reports or both?

9 THE JUROR: Media reports when it first came out and
10 then today, it's in the paper.

11 THE COURT: Did you read today's article?

12 THE JUROR: Uh-huh.

13 THE COURT: Was there anything about the content of
14 that article that you recall that goes beyond what I've
15 described here in the courtroom?

16 THE JUROR: No.

17 THE COURT: Was there anything about the contents of
18 the media reports that you think would interfere with your
19 ability to be fair and impartial?

20 THE JUROR: Your previous article would, when it first
21 came out.

22 THE COURT: And tell me what you recall about the
23 previous article.

24 THE JUROR: It seemed very strong that the accused had
25 done a horrible crime to these three people.

1 THE COURT: And you think, based on your recollection
2 of the contents of that article, it would be difficult for
3 you to be fair to Mr. Chalue in this trial?

4 THE JUROR: It would be, sir.

5 THE COURT: You are excused. Thank you.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 81

7 COURT OFFICER: Juror Number 81.

8 THE COURT: Mr. Giard, is that the correct
9 pronunciation?

10 THE JUROR: Yes, it is.

11 THE COURT: Good afternoon.

12 Did you recognize any names on that list of witnesses?

13 THE JUROR: I did, sir.

14 THE COURT: Who would those be?

15 THE JUROR: Lieutenant Joseph McDyer, went to the
16 police academy with him.

17 THE COURT: All right. Mr. Capeless, do you anticipate
18 that that witness would be called?

19 MR. CAPELESS: No, Your Honor.

20 THE COURT: Did you recognize any other names?

21 THE JUROR: No, I didn't.

22 THE COURT: Was there -- you're currently a police --
23 now -- were a police officer in the Town of East Longmeadow
24 from 1980 to 1985; is that right?

25 THE JUROR: That's correct.

1 THE COURT: Is there anything about your experience in
2 that regard that you think might interfere with your ability
3 to be fair to both sides in this case?

4 THE JUROR: No, sir.

5 THE COURT: Did you respond to any of the other
6 questions that I asked earlier by raising your card?

7 THE JUROR: It was just the bit about this morning
8 before I was leaving, I did see on the news that this case
9 was coming up.

10 THE COURT: Do you recall hearing or seeing any media
11 reports before this morning?

12 THE JUROR: A long time ago. It's just been -- drifted
13 back and forth.

14 THE COURT: All right. Let me ask if there's anything
15 about the content of either of those media reports that you
16 think might prevent you from acting fairly and impartially?

17 THE JUROR: No, sir.

18 THE COURT: We anticipate this case will take four
19 weeks to complete, proceeding each day from 9:30 in the
20 morning until 4:00 in the afternoon. Bearing in mind that
21 schedule and the importance of this case and our need for
22 good jurors like you, are you available to help us?

23 THE JUROR: Yes, sir.

24 THE COURT: Have you or any family member ever been the
25 victim of a crime of violence?

1 THE JUROR: No, sir.

2 THE COURT: Would you tend to believe, based on your
3 experience, or disbelieve the testimony of a police officer
4 as opposed to any other witness simply because of their
5 employment status as a police officer?

6 THE JUROR: No, sir.

7 THE COURT: There may be evidence in this case that one
8 of the co-defendants, Mr. Hall, had some affiliation with
9 the Hells Angels Motorcycle Club, and that this defendant,
10 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
11 If you were to hear such evidence, would that prevent you
12 from acting fairly and impartially?

13 THE JUROR: No, sir.

14 THE COURT: One of the victims in this case, Robert
15 Chadwell, was African American, and the defendant is
16 Caucasian. Would that evidence tend to -- or would it
17 interfere with your ability to act fairly and impartially?

18 THE JUROR: No, sir.

19 THE COURT: Mr. Chalue has a right to remain silent at
20 this trial. If he exercises that right and does not
21 testify, would you hold that against him in any way?

22 THE JUROR: No, sir.

23 THE COURT: There may be evidence that in this case,
24 the bodies of the victims were dismembered, and the jurors
25 may hear evidence regarding that and see photographic

1 evidence regarding that. Would such evidence interfere with
2 your ability to be a fair and impartial juror?

3 THE JUROR: No, sir.

4 THE COURT: Can you think of any other reason, whether
5 I have asked about it or not, why you would not be fair and
6 impartial if selected?

7 THE JUROR: No, sir.

8 THE COURT: Thank you, Mr. Giard.

9 If you could step out in the hallway for just a minute.

10 (The juror exited.)

11 THE COURT: Find him indifferent.

12 MR. CAPELESS: The Commonwealth is content with this
13 juror.

14 THE COURT: Thank you.

15 MR. FRANK: Challenge.

16 THE COURT: Very well.

17 (The juror entered.)

18 THE COURT: Mr. Giard, thank you for your service here
19 today.

20 You have been excused.

21 THE JUROR: Thank you.

22 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 82

23 COURT OFFICER: Juror Number 82.

24 THE COURT: Is it Mr. Alvarado?

25 THE JUROR: Yes.

1 THE COURT: Good afternoon.

2 Did you recognize any names from that list of
3 witnesses?

4 THE JUROR: No.

5 THE COURT: We anticipate, Mr. Alvarado, that this
6 trial will last four weeks, proceeding each day from 9:30 in
7 the morning until 4:00 in the afternoon. Bearing in mind
8 that schedule, the importance of this case, and our need for
9 good jurors like you, are you available to help us?

10 THE JUROR: I have to say something.

11 THE COURT: All right.

12 THE JUROR: It's a little bit hard for me to understand
13 the way the English because my English -- it's just a little
14 bit -- the English I use is most for the work, you know.

15 THE COURT: Yes.

16 THE JUROR: And in this level, it's a little bit
17 high -- hard for me.

18 THE COURT: I understand.

19 Did you have some difficulty understanding my
20 presentation earlier this morning?

21 THE JUROR: Yes, yes.

22 THE COURT: All right. Thank you very much.

23 You are excused.

24 THE JUROR: Thank you.

25 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 83

1 COURT OFFICER: Juror Number 83.

2 THE COURT: Ms. Beaudry, good afternoon.

3 THE JUROR: Good afternoon.

4 THE COURT: Did you recognize any names from that list
5 of potential witnesses?

6 THE JUROR: I did not.

7 THE COURT: We anticipate the trial of this case will
8 last approximately four weeks, proceeding each day from 9:30
9 in the morning until 4:00 in the afternoon. Bearing in mind
10 that schedule, the importance of this case, and our need for
11 good jurors like you, are you available to help us?

12 THE JUROR: Yes.

13 THE COURT: Have you or any family member ever been the
14 victim of a crime of violence?

15 THE JUROR: No.

16 THE COURT: Have you ever seen or heard any media
17 reports regarding this case or discussed it with anyone?

18 THE JUROR: I haven't.

19 THE COURT: Would you tend to believe or disbelieve the
20 testimony of a police officer as opposed to any other
21 witness simply because that witness is a police officer?

22 THE JUROR: No.

23 THE COURT: There may be evidence in this case that one
24 of the co-defendants, Mr. Hall, had some affiliation with
25 the Hells Angels Motorcycle Club. In addition, there may be

1 some evidence that Mr. Chalue, the defendant, had some
2 affiliation with the Aryan Brotherhood. If you were to hear
3 such evidence, would it interfere with your ability to
4 remain fair and impartial as a juror?

5 THE JUROR: No.

6 THE COURT: One of the victims in this case, Robert
7 Chadwell, was African American. Mr. Chalue is Caucasian.
8 Would those facts prevent you from acting fairly and
9 impartially?

10 THE JUROR: No.

11 THE COURT: Mr. Chalue has a right to remain silent at
12 his trial. If he exercised that right in this trial and
13 chose not to testify, would you hold that against him in any
14 way?

15 THE JUROR: No.

16 THE COURT: There may be evidence in this case that the
17 victims' bodies were dismembered. If you were to hear or
18 see evidence regarding that, would that interfere with your
19 ability to be fair and impartial?

20 THE JUROR: No, I don't think so.

21 THE COURT: Let me follow-up with a question about
22 that. It's likely you would see photographic evidence
23 regarding the condition of the bodies. Many people would
24 have an emotional response to observing that. One of the
25 things I would be explaining to the jurors is that they

1 should disregard emotion or sympathy and judge the facts
2 fairly and impartially.

3 Do you think you could follow that instruction after
4 viewing such photographs?

5 THE JUROR: I think so.

6 THE COURT: Can you think of any reason, whether I
7 asked about it or not, why you would not be fair and
8 impartial if selected as a juror?

9 THE JUROR: I can't.

10 THE COURT: All right. Thank you, Ms. Beaudry.

11 If you could step back in the hallway for just a
12 minute.

13 Oh, can I stop you for one more minute.

14 I overlooked a couple of things on your biographical
15 form. First, I see you worked in a law firm for eleven
16 years?

17 THE JUROR: Yes.

18 THE COURT: What was the nature of the practice of the
19 lawyers for whom you worked?

20 THE JUROR: It was mostly estate work and guardianship
21 matters.

22 THE COURT: Was there anything about your employment in
23 that regard that might interfere with your ability to act as
24 a fair juror in this case?

25 THE JUROR: No.

1 THE COURT: There's also reference to you and someone
2 in your family having been convicted of a criminal offense.
3 Was that you or someone else?

4 THE JUROR: That was me.

5 THE COURT: How long ago did that occur?

6 THE JUROR: That was 2009.

7 THE COURT: All right. And were the two different
8 crimes referenced there part of the same criminal episode?

9 THE JUROR: No.

10 THE COURT: They were different?

11 THE JUROR: Right.

12 THE COURT: And was there anything about those episodes
13 that -- or that experience that you think might cause you to
14 favor one side or the other in this case?

15 THE JUROR: No.

16 THE COURT: Thank you.

17 You can now step out in the hallway.

18 (The juror exited.)

19 THE COURT: I find her indifferent.

20 MR. CAPELESS: Could I just have one moment, Your
21 Honor?

22 THE COURT: You may.

23 (Pause)

24 MR. CAPELESS: Commonwealth is content with this juror.

25 THE COURT: Mr. Frank?

1 MR. FRANK: Content.

2 THE COURT: Very well.

3 (The juror entered.)

4 THE COURT: Ms. Beaudry, you have been selected to sit
5 as a juror in this case. You are going to be juror number
6 seventeen.

7 The trial is not going to begin until Friday. So in a
8 minute, I'm going to excuse you and ask you to return on
9 Friday morning at 9:30. The Court Officers will explain to
10 you where it is you are to report.

11 In the interim, please don't discuss the case with
12 anyone. You can certainly explain that you've been selected
13 as a juror in a criminal case and the anticipated duration,
14 but beyond that, please say no more.

15 Second, don't conduct any independent investigation of
16 the case or any electronic research of any kind. And
17 finally, should there be any media reports, please disregard
18 those.

19 With that, Ms. Beaudry -- first of all, do you
20 understand those instructions?

21 THE JUROR: Yes.

22 THE COURT: We will see you Friday morning at 9:30.

23 Thank you.

24 (The juror exited.)

25 THE COURT: Counsel, we now have seventeen prospective

1 jurors. Is there anything that either of you would like to
2 raise before we adjourn for the day?

3 MR. FRANK: Your Honor, I understand that we're going
4 to be starting to take evidence on Friday. And just so I
5 know -- I would like some -- I would like to anticipate the
6 general area that the District Attorney is going into, if
7 it's -- he's already announced that they'll be starting, I
8 believe, with the family and perhaps New York evidence. If
9 it's beyond that, if I could get some notice on that, it
10 would be, make for --

11 THE COURT: In the last trial, there was an agreement,
12 as I recall, that Mr. Capeless would give notice to you,
13 Mr. Frank, and/or defense counsel, and defense counsel
14 would, in turn, give notice to Mr. Capeless of the
15 anticipated list of witnesses for the following day.

16 Any reason we can't follow that policy in this case,
17 Mr. Capeless?

18 MR. CAPELESS: No, Your Honor.

19 THE COURT: All right. I will assume the two of you
20 can work that out.

21 MR. FRANK: Thank you very much.

22 THE COURT: Anything else on behalf of the
23 Commonwealth?

24 MR. CAPELESS: No.

25 THE COURT: We will see you Friday morning at 9:30.

1 MR. FRANK: Judge, I will be filing -- I thought I had
2 filed a motion for clothing allowance. If I can do that
3 through your clerk so I can take care of that aspect, I
4 would appreciate it.

5 THE COURT: You may do so.

6 (The Court exited at 2:25 p.m.)

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C E R T I F I C A T I O N

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ALICIA CAYODE KYLES, RPR, RMR, OCR

Dated: December 18, 2014

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